







Digitized by the Internet Archive  
in 2021 with funding from  
University of Toronto

<https://archive.org/details/31761114651839>











Canada Parliament  
Legislative Assembly

DEBATES OF THE LEGISLATIVE  
ASSEMBLY OF  
UNITED CANADA

Volume VIII

Part I

1849

1976







DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA

1841-1867

Published under the direction of the

Centre d'Etude du Québec

and the

Centre de recherche en histoire économique du Canada français

General Editor

*Elizabeth Gibbs*

DEBATES OF THE LEGISLATIVE

ASSEMBLY OF

UNITED CANADA

Volume VIII, Part I

1849

Edited by

*Elizabeth Gibbs*

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE DU CANADA FRANCAIS

5255, avenue Decelles, Montréal, Québec H3T 1V6

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA  
1841-1867

Published under the direction of the  
Centre d'Etude du Québec  
and the  
Centre de recherche en histoire économique du Canada français

---

CENTRE D'ETUDE DU QUEBEC  
Room 462-11, Sir George Williams of Concordia University  
Montréal, Québec  
H3G 1M8

Director : *Cameron Nish*  
Associate Director : *Jean Hamelin*  
Research Director : *Elizabeth Gibbs*  
Administrative Director : *Ian Campbell*

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE  
DU CANADA FRANCAIS  
5255, avenue Decelles  
Montréal, Québec  
H3T 1V6

Directeur : *Pierre Harvey*  
Directeur de la recherche : *Cameron Nish*

---

Research for this volume, as for the previous ones, was substantially supported by Canada Council. The Publication of the Debates of the Legislative Assembly of United Canada is an undertaking of the Centre de recherche en histoire économique de Canada français. The publication of the volumes is supported jointly by the Humanities Research Council of Canada and the Social Science Research Council of Canada using funds provided by the Canada Council.

\*Centre de recherche en histoire économique du Canada français



## INTRODUCTION

The Introduction to the first Volume of this series, DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA, 1841, included a history of parliamentary reporting in Britain, Upper and Lower Canada, and of course Union Canada. Parliamentary reporting was both an institution inextricably bound up with Parliament, and a profession under the patronage of the commercial Press. Its constitutional and practical development was traced, including the influences of the ancestral British system upon its derivative Canadian transplants. In the Chapters dealing specifically with the Canadas, the local conditions which in their turn modified the original British model were discussed in detail. The most important of these were: the bilingualism of the Lower and United Canada Legislatures; the poverty of Canadian editors and the small size of their newspapers; the political biases of parliamentary reporters who also lacked stenographic skills; and poor accommodations and worse acoustics in the House. The result of all this was that on the whole, Canadian parliamentary reporters were limited to providing third person summaries of the speeches. Essentially, parliamentary reporting was a politically-oriented profession which was also an integral part of the world of journalism.

All kinds of data about parliamentary reporting as an institution and as a profession were considered: the policies of its newspaper patrons; its techniques; the skills and foibles of its personnel; and the problems such as accommodation faced by the reporters. The other record of parliamentary proceedings, the official JOURNALS, was also analysed. On the basis of this analysis of reports and JOURNALS, a methodology was elaborated which involved collating the reports and integrating them into the JOURNALS.\* The object of that methodology was to produce a verisimilar record of the parliamentary debates and proceedings. Since verbatim reporting was virtually unknown, verisimilitude was the only possible goal. Various problems were anticipated and their solutions incorporated into the methodology. Each methodological step was explained and then implemented, thus producing the Canadian HANSARD.

The theoretical methodology remains unchanged for reconstructing the debates of the years following 1841, with only some changes in practical application. The most important change from one year to the next is the basic source material, the newspapers containing the parliamentary reports. Twenty newspapers were consulted for the session of 1849, the chief characteristics of which are described in the following table.

\*In this way the entire text of the JOURNALS is reproduced in the reconstructed HANSARD. Also included are references to Appendices to the JOURNALS, although these Appendices, often volumes long, are not reproduced in this work, nor mentioned in our Index.

Newspaper	District, Section	Language	Political Orientation	Special M.P.'s	Completeness of Paper on Microfilm	Weekly Distribution	Average Number of Columns of Debates per Issue	Completeness of Reports	Person Reported In	Origin of Reports	Coverage Given to Legislative Council
L'AVENIR	Montreal, L.C.	French	Radical Reform	L.J. Papineau	Very	Twice, Wednesday, Saturday	1 - 2	Usually summarized accounts	Third	Original	Very rarely
BATHURST COURIER	Bathurst, U.C.	English	Reform	Malcolm Cameron	Very	Once, Friday	5 - 6	Very good	First, third	Copied, mainly from Pilot and Montreal Trans-cript	Rarely
BRITISH COLONIST	Toronto, Home, U.C.	English	Moderate Conservative	-	Very	Twice, Tuesday, Friday	3	Very good	First, third	Copied, usually from Montreal Gazette	Rarely
BRITISH WHIG	Kingston, Midland, U.C.	English	Conservative	-	Very	Daily	1 1/2	Excellent	First, third	Copied, mainly from Montreal papers, especially Pilot	Regularly, 1 column
BROOKVILLE RECORDER	Johnston, Eastern & Bathurst, U.C.	English	Reform	Malcolm Cameron	Very	Once, Thursday	7 - 13	Good for Upper Canada	First, third	Copied from Montreal papers	Frequently, 1/2 column
LE CANADIEN	Quebec, L.C.	French	Moderate Reform	French Canadian Reformers	Very	Three times, Monday, Wednesday, Friday	3	Good for Lower Canada	Third	Original	Rarely
GLOBE	Toronto, U.C.	English	Reform	Upper Canadian Reformers	Very	Twice, Wednesday, Saturday	8	Very good	Third	Original or copied from Pilot	Frequently, 1/2 column
HAMILTON SPECTATOR	Hamilton, U.C.	English	Conservative	Sir Allan MacNab	Very	Twice, Wednesday, Saturday	7	Excellent	First, third	Copied from Montreal papers, especially Montreal Gazette	Rarely
LE JOURNAL DE QUEBEC	Quebec, L.C.	French	Reform	French Canadian Reformers	Very	Three times, Tuesday, Thursday, Saturday	4	Very good for Lower Canada	First, third	Some original, often copied from La Minerve	Never
LA MINERVE	Montreal, L.C.	French	Reform	French Canadian Reformers	Very	Twice, Monday, Thursday	3 - 7	Very good for Lower Canada	First, third	Some original, some copied	Regularly, 1/2 - 1 column
MONTREAL GAZETTE	Montreal, L.C.	English	Conservative	Conservatives	Very	Three times, Monday, Wednesday, Friday	4 - 8	Excellent	First, third	Original	Regularly, 2 - 4 columns
MONTREAL TRANSCRIPT	Montreal, L.C.	English	Conservative	Conservatives	Most issues missing	Three times, Tuesday, Thursday, Saturday	Erratic, from 3/4 - 8	Concise but very good reports	First, third	Original	Rarely
MORNING CHRONICLE	Quebec, L.C.	English	Conservative	-	Very	Three times, Monday, Wednesday, Friday	3	Scanty	Third	Copied, often from Pilot	Never
NIAGARA MAIL	Niagara, U.C.	English	Reform	-	Many issues missing	Once, Wednesday	2 - 4	Scanty	Third	Copied	Never
PACKET	Bytown, Ottawa, U.C.	English	Moderate Reform	-	Several issues missing	Once, Saturday	4 - 6	Quite good	First, third	Copied, often from Pilot	Rarely
PILOT	Montreal, L.C.	English	Reform	Reformers, especially L.H. LaFontaine, R. Baldwin, F. Hincks	Very	Three times, Monday, Wednesday, Friday	10 - 13	Excellent	First, third	Original	Regularly, 1/2 - 1 1/2 columns
PRINCE EDWARD GAZETTE	Prince Edward	English	Conservative	-	Very	Once, Friday	5	Sketchy	First, third	Copied	Rarely
PROVINCIALIST	Cobourg, Newcastle, U.C.	English	Reform	-	Some issues missing	Twice, Monday, Thursday	7	Good	First, third	Copied especially from Montreal papers	Regularly, 1/2 column
ST. CATHARINES JOURNAL	Niagara, U.C.	English	Moderate Reform	William Hamilton Merritt	Very	Once, Thursday	2	Edited but excellent	First, third	Copied from Montreal papers	Rarely
STANSTEAD JOURNAL	Eastern Townships, L.C.	English	None	-	Very	Once, Thursday	3	Sketchy	Third	Copied, usually from Montreal papers	Rarely



The reasons for including such newspapers as the BATHURST COURIER, the HAMILTON SPECTATOR, the MORNING CHRONICLE, the NIAGARA MAIL, the PACKET, the PRINCE EDWARD GAZETTE, the PROVINCIALIST, the ST. CATHARINES JOURNAL, and the STANSTEAD JOURNAL were explained in detail in the Introduction to Volume I. Briefly, they printed parliamentary reports collated from various available sources. Thus they provide a check against missing debates from single issues or even entire newspaper runs which have not been preserved.

The technique used to footnote the collated debates does more than identify the sources from which material was drawn. The footnotes also explain any variations in the methodology, and give certain details useful for understanding the debates. There are five main rules for footnotes. 1) The transcribed text of each speaker's words is identified. When alternate texts are presented, the sources for each text are given. When a single speech has been reconstructed from reports in more than one newspaper, the source of each specific portion of the speech is identified. 2) All alternate sources which have been consulted but not selected are noted, except for reports which just copied the JOURNALS. Included in the alternate sources mentioned are those papers whose reports were either copied, edited or paraphrased from another paper, with the original source noted. 3) Commentaries on the debate in question are noted, and in a few cases, are transcribed verbatim. 4) The footnotes include any additional information necessary to explain the methodology adopted in dealing with situations which do not conform to any of the models described. 5) One of this project's fundamental assumptions is that the JOURNALS' account of proceedings was correct though not always complete. However, there are occasional discrepancies between the JOURNALS and the newspaper reports. These discrepancies are always noted. For example, sometimes the names of movers and seconders are different in the newspapers and the JOURNALS. In these cases the names cited by the newspaper are listed in a footnote.

The Appendices to each day's proceedings are entirely supplementary to the JOURNALS. The Appendices contain: 1) notices of proposed motions, petitions and bills; 2) debates on withdrawn motions; and 3) questions and answers. A substantial part of the Appendices consists of notices of motions. Debates on withdrawn motions are more interesting because they appear nowhere in any official record, whereas the measures of which notice was given appear later in the JOURNALS as a normal part of the legislative activity. The third category in the Appendices is for questions and answers. Despite their importance, they were not recorded in the JOURNALS unless incorporated into a formal motion or address. All questions and answers reported in the newspapers are included in the Appendix for the appropriate day.

The technical forms of this volume remain unchanged from those of preceding volumes: 1) The spelling of speakers' names at the opening of each individual speech has been standardized. Changes from the spelling in the newspaper are not noted. The names most commonly misspelled in newspapers are McNab, Macnab, M'Nab instead of MacNab; McFarlane or MacFarlane instead of McFarland; and various spellings of Macdonald. All

spelling of names within a speech is left unchanged, however. 2) Whenever a member was reported to have spoken in English or in French, this fact is noted. For example, "Mr. Cauchon (in French)", whether or not there exists a report of the speech in the language of delivery. 3) A system of double pagination is used. The parenthesized page numbers on the left-hand side refer to the page of the JOURNALS while the centred number is our own. 4) Five of the newspapers are referred to in abbreviated form, the DAILY BRITISH WHIG as the BRITISH WHIG, the HAMILTON SPECTATOR AND JOURNAL OF COMMERCE as the HAMILTON SPECTATOR, the PILOT AND JOURNAL OF COMMERCE as the PILOT, the PRINCE EDWARD GAZETTE AND BAY OF QUINTE ADVERTISER as the PRINCE EDWARD GAZETTE, and the ST. CATHARINES AND PORT ROBINSON JOURNAL as the ST. CATHARINES JOURNAL. 5) The various parentheses used in the newspapers are represented in our text by ( ). 6) Double parentheses always contain our own comments, explanatory notes or suggestions. Only the word "sic" is contained within a single parenthesis. 7) Words such as "expence", "controul", "surprize", and "tems" which were misspelled as often as not, are reproduced without the word "sic". 8) When for the sake of clarity we must interpolate a word, we stay as close as possible to the usual style of the newspaper. 9) When it is necessary to reconstruct a sentence from excerpts drawn from more than one source, the problem of punctuation becomes acute. The strict application of ellipsis, added to the necessary footnote number, is both unwieldy and difficult to assimilate at first reading. As a result, another means of expressing the ellipsis had to be devised. A simple method was adopted, which is also used in sentences which are not reproduced in full, but are cut off before the end. Appropriate punctuation integrates the various excerpts, replacing the awkward ellipses. This editorially imposed punctuation is indicated by the simple expedient of placing the footnote reference immediately following the text, but before our punctuation. Conversely, whenever a footnote follows punctuation, that punctuation has been reproduced from the text of the newspaper. For example, the sentence "SIR ALLAN MACNAB said that he would go to town....<sup>1</sup> he meant to the town of Three Rivers....<sup>2</sup> as soon as possible....<sup>3</sup>" becomes "SIR ALLAN MACNAB said that he would go to town<sup>1</sup>, he meant to the town of Three Rivers<sup>2</sup>, as soon as possible<sup>3</sup>."

The style and methodology are designed in all ways to achieve the goal of a verisimilar account of the debates of the Legislative Assembly. The texts are completely unretouched; even grammatical and spelling errors remain uncorrected. One of the reasons for this decision to sacrifice style to fidelity was that the reader or student can best use his own judgment if he has the original material before him. He can then decide how to use the material: he can reproduce it exactly, or he can edit it and improve upon its style in whatever way he judges most appropriate. The only editing imposed upon the work was never for purposes of literary style, but only to render collated passages less disjointed, truncated and confusing. The criterion was never that a passage was awkwardly phrased, but rather that it was incoherent. For example, even the habitual tense changes were never altered to make them consistent so that not infrequently speakers in one debate are reported each in a different tense. In a fairly typical debate, "Sir Allan MacNab thinks" while "Captain Steele said" and "Mr. Cooke had opposed." The real editing work occurred



in the earlier stage of the work, when the passages here reproduced as the reconstructed debates were selected. Therefore all elegancies of language are gratuitous, and such texts were invariably selected for content and not because of the felicity with which they were expressed.

This manuscript was typed in its final form by Mrs. Jenny Williams, Mrs. Joan Riley and Miss Margaret Mackinnon. Miss Irene Bilas prepared and typed the very complex subject index. Mrs. Louise Moreau and Miss Lynne Marler also assisted in the production of this volume. The following pages are a testimony to their careful labour and patience.





EXECUTIVE COUNCILLORS

AND THEIR POSITIONS

THIRD PARLIAMENT - SECOND SESSION

18 January 1849 - 30 May 1849

BALDWIN, Robert

Member of the Executive Council:

11 March 1848 to 27 Oct. 1851

Attorney General, U.C.:

11 March 1848 to 27 Oct. 1851

CAMERON, Malcolm

Member of the Executive Council:

11 March 1848 to 1 Feb. 1850

Assistant Commissioner of Public Works:

11 March 1848 to 1 Feb. 1850

CARON, René Edouard

Member of the Executive Council:

11 March 1848 to 26 Nov. 1849

Member of the Legislative Council:

9 June 1841 to 16 March 1857

Speaker of the Legislative Council:

11 March 1848 to 14 Aug. 1853

HINCKS, Francis

Member of the Executive Council:

11 March 1848 to 10 Sept. 1854

Inspector General:

11 March 1848 to 10 Sept. 1854

LAFONTAINE, Louis Hippolyte

Member of the Executive Council:

10 March 1848 to 27 Oct. 1851

Attorney General, L.C.:

10 March 1848 to 27 Oct. 1851

LESLIE, John

Member of the Executive Council:

11 March 1848 to 27 Oct. 1851

Provincial Secretary:

15 Sept. 1848 to 27 Oct. 1851

Member of the Legislative Council:

23 May 1848 to 30 June 1867

MERRITT, William Hamilton

Member of the Executive Council:

15 Sept. 1848 to 11 Feb. 1851

President of the Executive Council:

15 Sept. 1848 to 7 April 1850

PRICE, James Hervey

Member of the Executive Council:

11 March 1848 to 27 Oct. 1851

Commissioner of Crown Lands:

11 March 1848 to 27 Oct. 1851

TACHE, Dr. Etienne Paschal

Member of the Executive Council:

11 March 1848 to 25 Nov. 1857

Chief Commissioner of Public Works:

11 March 1848 to 26 Nov. 1849

VIGER, Louis Michel

Member of the Executive Council:

11 March 1848 to 26 Nov. 1849

Receiver General:

11 March 1848 to 26 Nov. 1849

# MEMBERS OF THE LEGISLATIVE ASSEMBLY

## AND THEIR CONSTITUENCIES

1849<sup>1</sup>

Armstrong, David Morrison.....	Berthier, L.C.
Badgley, William.....	Missisquoi, L.C.
Baldwin, Robert.....	York, North Riding, U.C.
Beaubien, Pierre.....	Chambly, L.C.
Bell, Robert.....	Lanark, U.C.
Blake, William Hume.....	York, East Riding, U.C.
Boulton, Henry John.....	Norfolk, U.C.
Boulton, William Henry.....	Toronto, City, U.C.
Bouthillier, Thomas.....	St. Hyacinthe, L.C.
Brooks, Samuel <sup>2</sup> .....	Sherbrooke, County, L.C.
Burritt, Read.....	Grenville, U.C.
Cameron, John Hillyard.....	Cornwall, U.C.
Cameron, Malcolm.....	Kent, U.C.
Cartier, George Etienne <sup>3</sup> .....	Verchères, L.C.
Cauchon, Joseph Edouard.....	Montmorency, L.C.
Cayley, William.....	Huron, U.C.
Chabot, Jean.....	Quebec, City, L.C.
Chauveau, Pierre Joseph Olivier.....	Quebec, County, L.C.
Christie, Robert.....	Gaspé, L.C.
Crysler, John Pliny.....	Dundas, U.C.
Cuthbert, William.....	Bonaventure, L.C.
Davignon, Pierre.....	Rouville, L.C.
DeWitt, Jacob.....	Beauharnois, L.C.
Dickson, Walter Hamilton.....	Niagara, Town, U.C.
Drummond, Lewis Thomas.....	Shefford, L.C.
Duchesnay, Antoine Juchereau.....	Portneuf, L.C.
Dumas, Norbert.....	Leinster, L.C.
Egan, John.....	Ottawa, County, L.C.
Fergusson, Adam Johnston <sup>4</sup> .....	Waterloo, U.C.
Flint, Billa.....	Hastings, U.C.
Fortier, Thomas.....	Nicolet, L.C.
Fournier, Charles François.....	L'Islet, L.C.
Fourquin dit Léveillé, Michel.....	Yamaska, L.C.
Galt, Alexander Tilloch <sup>2</sup> .....	Sherbrooke, County, L.C.
Gugy, Bartholomew Conrad Augustus.....	Sherbrooke, Town, L.C.
Guillet, Louis.....	Champlain, L.C.
Hall, James.....	Peterborough, U.C.
Hincks, Francis.....	Oxford, U.C.
Holmes, Benjamin.....	Montreal, City, L.C.
Jobin, André.....	Montreal, County, L.C.
Johnson, Thomas Hall.....	Prescott, U.C.
LaFontaine, Louis Hippolyte.....	Montreal, City, L.C.



Laterrière, Marc Pascal de Sales.....	Saguenay, L.C.
Laurin, Joseph.....	Lotbinière, L.C.
Lemieux, François.....	Dorchester, L.C.
Lyon, George Byron.....	Russell, U.C.
Macdonald, John Alexander.....	Kingston, City, U.C.
Macdonald, John Sandfield.....	Glengarry, U.C.
MacNab, Allan Napier.....	Hamilton, City, U.C.
Malloch, Edward.....	Carleton, U.C.
Marquis, Pierre Canac dit.....	Kamouraska, L.C.
McConnell, John.....	Stanstead, L.C.
McFarland, Duncan.....	Welland, U.C.
McLean, Alexander.....	Stormont, U.C.
Merritt, William Hamilton.....	Lincoln, U.C.
Méthot, François Xavier <sup>5</sup> .....	Quebec, City, L.C.
Meyers, Adam Henry.....	Northumberland, U.C.
Mongenais, Jean Baptiste.....	Vaudreuil, L.C.
Morin, Augustin Norbert.....	Bellechasse, L.C.
Morrison, Joseph Curran.....	York, West Riding, U.C.
Nelson, Wolfred.....	Richelieu, L.C.
Notman, William.....	Middlesex, U.C.
Papineau, Louis Joseph.....	St. Maurice, L.C.
Polette, Antoine <sup>6</sup> .....	Three Rivers, L.C.
Price, James Hervey.....	York, South Riding, U.C.
Prince, John.....	Essex, U.C.
Richards, William Buell.....	Leeds, U.C.
Robinson, William Benjamin.....	Simcoe, U.C.
Sauvageau, Tancrede.....	Huntingdon, L.C.
Scott, John.....	Bytown, U.C.
Scott, William Henry.....	Two Mountains, L.C.
Seymour, Benjamin.....	Lennox and Addington, U.C.
Sherwood, George.....	Brockville, U.C.
Sherwood, Henry.....	Toronto, City, U.C.
Smith, Harmanus.....	Wentworth, U.C.
Smith, Henry.....	Frontenac, U.C.
Smith, James.....	Durham, U.C.
Stevenson, David Barker.....	Prince Edward, U.C.
Taché, Etienne Paschal.....	Rimouski, L.C.
Thompson, David.....	Haldimand, U.C.
Viger, Louis Michel.....	Terrebonne, L.C.
Watts, Robert Nugent.....	Drummond, L.C.
Webster, James <sup>4</sup> .....	Waterloo, U.C.
Wetenhall, John.....	Halton, U.C.
Wilson, John.....	London, U.C.

---

1. Daly resigned and left Canada.

2. Brooks died 22 March 1849. Alexander Tilloch Galt was elected on 17

April 1849 in his place.

3. Cartier was elected on 7 April 1848, replacing James Leslie who was appointed to the Legislative Council.
4. Fergusson was declared duly elected 8 February 1849. Webster resigned 18 January 1849 and his election was declared null and void on 8 February.
5. Méthot was elected on 9 June 1848, to replace T.C. Aylwin who was appointed to the Court of Queen's Bench (Superior Court) in L.C., on 26 April 1848.
6. Polette was elected on April 26, 1848, no member having been elected at the general elections.





THURSDAY, 18 JANUARY 1849.

(1)

Message to attend  
His Excellency.

A MESSAGE from His Excellency the Governor General, by Frederick Starr Jarvis, Esquire, Gentlemen Usher of the Black Rod:

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Council Chamber:<sup>1</sup>-- And being returned;

Montreal,  
Quebec, North  
and South Ridings  
of York, Verchères,  
Terrebonne, Kent,  
Three Rivers, and  
Oxford Writs.

Mr. Speaker Acquainted the House, That, Pursuant to the Orders of the House of the last Session, he had issued his Warrants to the Clerk of the Crown in Chancery, to make out new Writs for the election of Members to serve in the Present Provincial Parliament, in the room of Members whose seats had become vacant; and that the Clerk of this House had received from the Clerk of the Crown in Chancery the following Certificates of Return of Members elected upon the said new Writs:--

Certificate of  
the Return of  
Mr. Lafontaine  
for Montreal.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 31st March, 1848.

This is to certify, that in virtue of a Writ of Election, dated the fifteenth March, instant, issued by His Excellency the Governor General, and directed to the Returning Officer for the City of Montreal, (Alexandre Maurice Delisle, Esquire,) for the election of one Member to represent the City of Montreal in the present Parliament, in the room of the Honorable Louis Hippolyte LaFontaine, Esquire, who had vacated his seat, by his acceptance of the office of Her Majesty's Attorney General for that part of this province formerly called the Province of Lower Canada, the Honorable Louis Hippolyte LaFontaine, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the twenty-eighth day of March instant which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Aylwin for  
Quebec.

Province of Canada.

Office of the Clerk of the Crown Chancery,  
Montreal, 5th April, 1848.

This is to certify, that in virtue of a Writ of Election, dated the fifteenth day of March last past, issued by His Excellency the Governor General, and directed to the Returning Officer for the City of Quebec, (Archibald Campbell, Esquire,) for the election of one Member to represent the said city of Quebec in the present Parliament, in the room of

Thomas Cushing Aylwin, Esquire, who had vacated his seat, by his acceptance of the office of Her Majesty's Solicitor General for that part of this Province formerly called Lower Canada, the Honorable Thomas Cushing Aylwin, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the twenty-eighth day of March now last past, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W.B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Baldwin  
for the North  
Riding of York.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 10th April, 1848.

This is to certify, that in virtue of a Writ of Election, dated fifteenth day of March last past, issued by His Excellency the Governor General, and directed to the Returning Officer for the North Riding of the County of York, (Michael Empey, Esquire,) for the election of one Member to represent the said Riding in the present Parliament, in the room of the Honorable Robert Baldwin, Esquire, who had vacated his seat, by his acceptance of the office of Her Majesty's Attorney General for that part of this Province called Upper Canada, the Honorable Robert Baldwin, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the first day of April instant, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W.B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Price for  
the South Riding  
of York.

(2)

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal 10th April, 1848.

This is to certify, that in virtue of a Writ of Election, dated the fifteenth day of March last, issued by His Excellency the Governor General, and directed to the Returning Officer for the South Riding of the County of York, (Amos Thorne, Esquire,) for the election of one Member to represent the said Riding in the present Parliament, in the room of James Hervey Price, Esquire, who had vacated his seat, by his acceptance of the office of Her Majesty's Commissioner of Crown Lands for this Province, the Honorable James Hervey Price, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the thirty-first day of March now last past, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W.B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Cartier for  
Verchères.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 15th April, 1848.

This is to certify, that in virtue of a Writ of

Election, dated the fifteenth day of March last, issued by His Excellency the Governor General, and directed to the Returning Officer for the County of Verchères, (Pierre Menard, Esquire) for the election of one Member to represent the said County in the present Parliament, in the room of the Honorable James Leslie, Esquire, who had vacated his seat, by his acceptance of the office of Chairman of the Committee of the Executive Council for this Province, George Etienne Cartier, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the seventh day of April instant, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Viger for  
Terrebonne.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 18th April, 1848.

This is to certify, that in virtue of a Writ of Election, dated the fifteenth day of March last, issued by His Excellency the Governor General, and directed to the Returning Officer for the County of Terrebonne, (Louis Marteau, Esquire,) for the election of one Member to represent the said County of Terrebonne in the present Parliament, in the room of the Honorable Louis Hippolyte LaFontaine, Esquire, who had vacated his seat, by his acceptance of the office of Her Majesty's Attorney General for that part of this Province formerly called the Province of Lower Canada, the Honorable Louis Michel Viger, Esquire, has been returned to the said Writ, dated the fourteenth day of April instant, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Cameron  
for Kent.

Province of Canada.

Office of the Clerk of the Crown in chancery,  
Montreal, 18th April, 1848.

This is to certify, that in virtue of a Writ of Election, dated the twentieth day of March last, and directed to the Returning Officer for the County of Kent, (John Waddell, Esquire,) for the election of one Member to represent the said County of Kent in the present Parliament, in the room of the Honorable Malcolm Cameron, Esquire, who had vacated his seat, by his acceptance of the office of Her Majesty's Assistant Commissioner of Public Works of this Province, the Honorable Malcolm Cameron, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the tenth day of April instant, which lodged of record in my office.

FELIX FORTIER,  
C.C.C.



To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Polette for  
Three Rivers.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 29th April, 1848.

This is to certify, that in virtue of a Writ of Election, dated the twenty-eighth day of March last, issued by His Excellency the Governor General, and directed to the Returning Officer for the Town of Three Rivers, (Valère Guillet, Esquire,) for the election of one Member to represent the said Town of Three Rivers in the present Parliament, the Returning Officer at the last General Election not having returned any Member to serve for the said Town, Antoine Polette, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the twenty-sixth day of April instant, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Hincks for  
Oxford.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 4th May, 1848.

This is to certify, that in virtue of a Writ of Election, dated the twenty-fourth day of March last, issued by His Excellency the Governor General, and directed to the Returning Officer for the County of Oxford, (Jared Vinning, Esquire,) for the election of one Member to represent the said County of Oxford in the present Parliament, in the room of the Honorable Francis Hincks, Esquire, who had vacated his seat, by his acceptance of the office of Her Majesty's Inspector General of Public Accounts for the said Province, the Honorable Francis Hincks, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the twenty-eighth day of April, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Writs issued in  
the Recess.

Mr. Speaker the acquainted the House, That during the Recess he had also issued his Warrants to the Clerk of the Crown in Chancery, to make out new

Writs for the election of Members to serve in the present Provincial Parliament, in the room of the Honorable Thomas Cushing Aylwin, Member for the City of Quebec, who had accepted the office of Puisné Judge of the Court of Queen's Bench for the District of Quebec, also, in the room of William Hume Blake, Esquire, Member for the East Riding of the County of York, who had accepted the office of Her Majesty's Solicitor General for Canada West; also, in the room of Lewis T. Drummond, Esquire, Member for the County of Shefford, who had accepted the office of Her Majesty's Solicitor General for Lower Canada; also, in the room of the Honorable Marc Paschal de Sales Laterrière, Member for the County of Saguenay, who had accepted the

(3)

office of Deputy Adjutant General of Militia; and also, in the room of William Hamilton Merritt, Esquire, Member for the County of Lincoln, who had accepted the office of President of the Executive Council for the Province of Canada; and that the Clerk of this House had received from the Clerk of the Crown in Chancery, the following Certificates of Returns of Members elected during the said Recess, upon the said new Writs:--

Certificate of  
the Return of  
Mr. Méthot for  
Quebec.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 16th June, 1848.

This is to certify, that in virtue of a Writ of Election, dated the twelfth day of May last past, issued by His Excellency the Governor General, and directed to the Returning Officer for the City of Quebec, (Archibald Campbell, Esquire,) for the election of one Member to represent the said City of Quebec in the present Parliament, in the room of the Honorable Thomas Cushing Aylwin, Esquire who, since his last election as Representative of the said City of Quebec, had vacated his seat in the said Parliament, by his acceptance of Puisné Judge of the Court of Queen's Bench for the District of Quebec, François Xavier Méthot, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the ninth day of June instant, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Blake for  
the East Riding  
of York.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 10th July, 1848.

This is to certify, that in virtue of a Writ of Election, dated the sixteenth of June last past, issued by His Excellency the Governor General, and directed to the Returning Officer for the East Riding of the County of York, (Francis Leys, Esquire,) for the election of one Member to represent the said East Riding of the said County in the present Parliament, in the room of William Hume Blake, Esquire who had vacated his seat, by the acceptance of the office of Her Majesty's Solicitor General for Canada West, William Hume Blake, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the fifth day of July instant, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Drummond  
for Sherfford.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 28th July, 1848.

This is to certify, that in virtue of a Writ of Election, dated the nineteenth day of June last past, issued by His Excellency the Governor General, and directed to the Returning



Officer of the County of Shefford, (Horace Lyman, Esquire) for the election of one Member to represent the said County in the present Parliament, in the room of Lewis T. Drummond, Esquire, who, since his election for the said County, vacated his seat, by his acceptance of the office of Her Majesty's Solicitor General for that part of the Province heretofore constituting the Province of Lower Canada, Lewis T. Drummond, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the eleventh day of July instant, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Laterrière  
for Saguenay.

Province of Canada.

Office of the Clerk of the Crown in Chancery,  
Montreal, 9th September, 1848.

This is to certify, that in virtue of a Writ of Election, dated the fifth day of August now last past, issued by His Excellency the Governor General, and directed to the Returning Officer for the County of Saguenay, (Charles Pierre Huot, Esquire,) for the election of one Member to represent the said County of Saguenay in the present Parliament, in the room of the Honorable Marc Paschal de Sales Laterrière, who, since his election for the said County, had accepted the office of Deputy Adjutant General of Militia within and for the Province of Canada, the Honorable Marc Paschal de Sales Laterrière has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the fifth day of September instant, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.

To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Certificate of  
the Return of  
Mr. Merritt for  
Lincoln.

Province of Canada.

Office of the Clerk of the Crown in Chancery.  
Montreal, 11th October, 1848.

This is to certify, that in virtue of a Writ of Election, dated the nineteenth day of September now last past, issued by His Excellency the Governor General, and directed to the Returning Officer for the County of Lincoln, (Elias S. Adams, Esquire,) for the election of one Member to represent the said County of Lincoln, in the present Parliament, in the room of William Hamilton Merritt, Esquire, who, since his election for the said County, had accepted the office of President of the Committee of the Executive Council of Her Majesty in and for the Province of Canada, the Honorable William Hamilton Merritt, Esquire, has been returned as duly elected accordingly, as appears by the return to the said Writ, dated the sixth of October instant, which is lodged of record in my office.

FELIX FORTIER,  
C.C.C.



To W. B. Lindsay, Esquire,  
Clerk of the Legislative Assembly.

Members take  
their seats.

The Honorable Louis H. LaFontaine, Member for the City of Montreal; the Honorable Robert Baldwin, Member for the North Riding of the County of York; the Honorable James H. Price, Member for the South Riding of the County of York; George E. Cartier, Esquire, Member for the County of Verchères; the Honorable Louis M. Viger, Member for the County of Terrebonne; the Honorable Malcolm Cameron, Member for the County of Kent; Antoine Polette, Esquire, Member for the Town of Three Rivers; the Honorable Francis Hincks, Member for the County of Oxford; Francis Xavier Méthot, Esquire, Member for the City of Quebec; William Hume Blake, Esquire, Member for the East Riding of the County of York; Lewis T. Drummond, Esquire, Member for the County of Shefford; and the Honorable William Hamilton Merritt, Member for the County of Lincoln, having previously taken the Oath, according to law and subscribed before the Commissioners the Roll containing the same, took their seats in the House.

(4)

Resignation of  
a Member.

Mr. Speaker communicated to the House, a Paper purporting to be the resignation of Joseph Webster, Esquire, Member representing the County of Waterloo,

which is as followeth:--

To the Honorable the Speaker of the Legislative Assembly of the Province of Canada,--

As empowered by 4 & 5 Vic. cap. 4, I hereby declare that I resign my seat as Representative in this present Parliament for the County of Waterloo.

Witness my hand and seal, at Fergus, in the said County of Waterloo, District of Wellington, and Province of Canada, this eighth day of January, 1849.

JAMES WEBSTER.

In presence of

Thomas W. Valentine,  
Gilbert Hunter.<sup>2</sup>

MR. H. BOULTON thought that the letter should not have been read, as it was not worth anything, and he trusted it would not be entered on the Journals without some resolution declaring it to be worthless. If the Standing Committees had been appointed he would have moved that it be referred to the Committee on Privileges.<sup>3</sup>

MR. AT. GEN. BALDWIN.-- Je crois que M. Webster ayant adressé cette lettre à l'orateur, il était du devoir de ce dernier, de la soumettre à cette Chambre.<sup>4</sup>

MR. H. BOULTON.-- Je n'avais pas l'intention de jeter du blâme sur l'orateur, mais ce n'était qu'une suggestion que je voulais faire.<sup>5</sup>

(4)

Justice of the  
Peace Oath of  
Office Bill.

Ordered, That the Honorable Mr. Attorney General Baldwin have leave to bring in a Bill to provide for the administration of the Oath of Office to persons appointed to be Justices of the Peace in

this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time.

Mr. Speaker  
reports His  
Excellency's  
Speech.

Mr. Speaker reported, That when the House did attend His Excellency the Governor General, this day, in the Legislative Council Chamber, His Excellency was pleased to make a Speech to both Houses of the Provincial Parliament, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read to the House, as followeth:--

Honorable Gentlemen of the Legislative Council,

Gentlemen of the Legislative Assembly,

I have much satisfaction in informing you, that uninterrupted tranquillity has prevailed in the Province during the Recess.

The proofs which the people of Canada have furnished during this period of general excitement and disquietude, of their love of order, and of the attachment they bear to their institutions, will tend, I trust, to establish the credit of the Province on a firmer basis, and to promote its prosperity.

I am authorized to state for your information, that it is Her Majesty's purpose to exercise the prerogative of Mercy in favor of all persons who are still liable to penal consequences for political offences, arising out of the unfortunate occurrences of 1837 and 1838; and I have the Queen's commands to invite you to concur with me in passing an Act to give full effect to Her Majesty's most gracious intentions.

It affords me much pleasure to state, that in compliance with the desire of the local Legislature expressed in a joint Address of the two Houses of the Provincial Parliament, the Imperial Parliament has passed an Act repealing the Clause in the Union Act which imposed restrictions on the use of the French Language.

I have been in communication, during the Recess, with Her Majesty's Principal Secretary of State for the Colonies, and with the Lieutenant Governors of Nova Scotia and New Brunswick, on the subject of the Provincial Post Office, and I am enabled to inform you, that on the meeting of the Imperial Parliament steps will be taken for conferring on the Provincial Authorities the entire control and management of this Department. I trust that when the necessary arrangements for effecting this object shall have been completed, it may be found practicable to establish a low and uniform Rate of Postage for the British North American Provinces.

I am disposed to believe that an increase in the Representation would be attended with considerable advantage to the public interests; and I recommend this subject, which is one of no ordinary importance, to your best consideration.

It gives me much gratification to state, that the opposition manifested at one time in certain parts of Lower Canada, to the School Act, has in a great measure subsided. I am of opinion, nevertheless, that this Act may, with advantage, be amended in some of its details, and I feel confident that you will readily consent to make such alterations in it as shall render it as little as possible onerous to the Rate-payer, without, however, compromising the important principle which it has consecrated, in securing for all the youth of this section of the Province, the blessing of Education.



Among the subjects which will probably engage your attention, are the system of Judicature in both sections of the Province--the Laws for the regulation of Municipalities, and the Constitution of the University of King's College.

The Officers employed in exploring the Country between Quebec and Halifax, with the view of discovering the best line for a Railway to connect these two points, have presented a Report which contains much valuable information, and sets forth in a strong light the advantages of the proposed undertaking. I shall lay it before you, together with a Despatch from the Secretary of State for the Colonies expressive of the interest taken by Her Majesty's Government in the execution of this great work.

Gentlemen of the Legislative Assembly,

I shall direct the Public Accounts, with the estimates for the year, to be laid before you.

I rely on your readiness to grant the Supplies which are necessary for the Public Service.

Honorable Gentlemen, and Gentlemen,

I have observed, with much concern, that Canada has participated largely in the Commerical depression by which the past year has been so unfavorably characterized.

I have not failed to impress on Her Majesty's Ministers the urgent necessity which exists for the removal of such provisions from the Imperial Statute Book, as may tend to restrict the Commerce of the Province, by checking the resort of foreign Shipping to its Ports in search of freight; and I have much satisfaction in stating that my representations on this head have been cordially responded to by the Queen's Government.

Among the measures which seem to merit the attention of the Provincial Parliament at the present time, as being calculated to raise the credit of the Province, to extend its trade, and to contribute to the developement of its resources, I recommend to your consideration the following as specially important.

The provision of such funds as may be required for the completion of the St. Lawrence Canals, at the earliest period. These great works may, it is believed, be so far perfected at a small additional expense as to permit vessels drawing nine feet on the outwards, and eight feet on the inwards voyage, to pass from Lake Erie to the Ocean, soon after the opening of the navigation. When this object shall be accomplished, Canada will possess an Inland Navigation unparalleled in capacity and length, and connecting the marts of a Commerce to the growth of which it is impossible to assign limits.

The enactment of a Law authorizing the alienation of works of a purely local character which have been executed at the cost of the Province, and giving the Government such powers as may be necessary for the re-organization of the Provincial Debt, and creation of an efficient Sinking Fund. This Debt has been contracted not in the prosecution of costly wars, whether of defence or aggression, but in the construction of works of utility, the more important of which can hardly fail, when completed, to prove remunerative. The existence of a large revenue derived from Customs, places the creditor of the Canadian Public in a very advanta-



(5)

geous position, which will be improved when the principle of a Sinking Fund is brought into active operation.

The amendment of the existing Immigration Act, with a view to the removal of such provisions as tend to prevent Immigrants who propose to settle in Canada, or the Western States of the Union, from proceeding to their destination by the route of the St. Lawrence. The Passenger Trade is an important branch of the trade inwards, which cannot be discouraged without prejudice to the trade outwards. I shall not fail to make every exertion which the interests of the public health will permit, to reduce the expenditure of the Immigration Department to the scale of the years preceding 1847, when a passenger tax, considerably less onerous than that now levied, with the occasional addition of a small grant from the Public Treasury, sufficed to cover it.

I would further recommend for your consideration the expediency of setting apart a portion of the Public Domain, in order that the Revenue derived from the sales thereof may form a Fund, the interest of which shall be applied to the support of Common Schools. It may probably be deemed advisable to authorize the Government to invest the Capital arising from this source, either in the Stocks of the Province or in those of some of the principal Railways, the construction of which has been sanctioned by Parliament.

In maturing these and all kindred measures which have the promotion of the moral and economical well-being of the people of this important Province for their object, you will find me ever willing and desirous to co-operate with you. In the possession of a Revenue derived from so many independent sources, and exempt from numerous charges that weigh heavily on the resources of other communities, Canada enjoys great and singular advantages. May we hope that, under God's blessing, our Legislation may be so directed as to enable her to reap the full benefit of them.<sup>6</sup>

MR. AT. GEN. BALDWIN rose and said, that in England it was customary to move the Address in answer to the Speech immediately after it had been communicated to the House, but here there had always been a lapse of a day or two between receiving it and moving the Address in answer, and he did not like to depart from the course which had been pursued here, more especially then, when the House was so thin, and so many members absent. He proposed that the Speech should be taken into consideration to-morrow, but if any party, intending to propose any amendment to the Address, wished for a longer delay, he would be willing to grant it.

MR. BADGLEY suggested that the consideration of the Speech should be deferred<sup>8</sup> to Monday, in consequence of the absence of a great number of Members.

MR. AT. GEN. BALDWIN assented, and moved that the House do take the Speech of His Excellency into consideration Monday next.<sup>9</sup>

(5)

On motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Solicitor General Drummond,

Speech to be considered.

ation on Monday next.

Ordered, That the Speech of His Excellency the Governor General, to both Houses of the Provincial Legislature, be taken into consideration

Petitions brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Notman,--The Petition of Adam J. Fergusson, Esquire and others Electors of the County of Waterloo.

By Mr. Macdonald, of Glengarry,--The Petition of William K. Mackenzie, of L'Orignal, in the County of Prescott, Esquire.

By the Honorable Mr. Cameron, of Kent,--The Petition of T. M. Daly, and others, of North Easthope and other Townships, in the County of Huron, and of the Government Lands north of the eastern section of the District of Huron; the Petition of James Dougall and others, of Amherstburg and its vicinity, in the Western District; the Petition of John Ireton and others, of the Township of Verulam; the Petition of Thomas Horner and others, of the Township of Anderdon, in the Western District; the Petition of William Ketchum and others, of the Township of Bosanquet; the Petition of John Sloan and others, of the Township of Anderdon, Western District; and the Petition of Thomas Boyle and others, Members of the Total Abstinence Society of Malden.

By Mr. Davignon,--The Petition of Messieurs J. G. Mackenzie and Company, and others, of Montreal.

By Mr. Jobin,--The Petition of J. C. Bachand and others, of the District of Montreal, Notarial Students; and the Petition of the Reverend Messire St. Germain, Curé of the Parish of St. Laurent, County of Montreal.

By Mr. Solicitor General Drummond,--The Petition of the Reverend David Gibbs and others, of Granby and vicinity; and the Petition of J. Bte. Cadieux de Courville, of the Township of Orford.

By Mr. Notman,--The Petition of John Burwell, of Port Burwell, Esquire.

Postage on Letters to and from Members.

On motion of Mr. Smith, of Frontenac, seconded by Mr. Scott, of Two Mountains,

Ordered, That the Clerk be directed to charge to the Contingencies of the House, the Postage on all Letters not exceeding one ounce in weight, and on printed papers, to and from Members of the House, during the present Session; provided that when Petitions to this House are enclosed, the postage thereon shall be charged without restriction as to weight.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General LaFontaine,

The House adjourned.

APPENDIX: 18 JANUARY 1849.

((NOTICE OF BILLS RE: AMENDMENT OF LOWER CANADA LAWS OF EVIDENCE.))<sup>10</sup>

MR. BADGLEY gave notice that he intended to bring in Bills to amend the Law of Evidence in Lower Canada<sup>11</sup>.

((NOTICE OF BILL RE: AMENDMENT OF LAWS OF PATENTS.))<sup>12</sup>

MR. BADGLEY.--M. l'orateur, je demande la permission de présenter un projet de loi pour amender les lois sur les patentes.<sup>13</sup>

MR. AT. GEN. BALDWIN.--Je sais que la coutume en Angleterre, et que l'on a pour habitude de suivre ici, est de passer immédiatement à la discussion sur le discours du gouverneur, néanmoins, vû l'absence d'un grand nombre de membres, je fais motion qu'on le prenne en considération demain; pourtant, si quelqu'un désirait que la Chambre le fît plutôt, je n'y aurais pas d'objection.<sup>14</sup>

MR. BADGLEY.--Si l'honorable membre y consent, je proposerai qu'on le fasse lundi prochain.<sup>15</sup>

Le Chambre accepte cette proposition.<sup>16</sup>

((NOTICE OF RESOLUTIONS ON STATE OF CANADA.))<sup>17</sup>

M. CHRISTIE.--Je donne avis que je proposerai les résolutions suivantes, le 14 février prochain.<sup>18</sup>

Resolved, Firstly.-- That, considering the amount of Public Debt and interest thereof, exceeding £150,000 per annum, and the other fixed and permanent charges to which the Province is pledged, together with the state of the Revenue and Resources, it is, in the opinion of the House, expedient to suspend all Public Works, those of indispensable necessity expected, until such time as the circumstances of the Country will admit of their being resumed with a prospect of their completion, without a recurrence to further loans for the purpose.

Secondly.-- That it is expedient also to reduce the expenses of the Legislature--of the Civil List and the ordinary annual charges of the Civil Government of the Province, as far as may be consistent with the due efficiency of the Public Service.

Thirdly.--That in conformity with the above, it is expedient to reduce all salaries exceeding £500 currency, by at least one half the excess over that amount.

Fourthly.--That it is expedient to fund all Fees of Office, and to allow fixed Salaries in lieu thereof, to the incumbents.

Fifthly.--That the Salary paid from the Consolidated Revenue Fund of this Province, to Her Majesty's Governor General thereof, is excessive, disproportionate to the means of the Province, and burdensome to it, and that in the opinion of this House, the Salary to Her Majesty's Representative in this Province ought to be defrayed from the Imperial Treasury.



Sixthly.-- That the Attorneys and Solicitors General, as the principal Law Officers of the Crown in this Province, are in matters of law, and in legal questions of public interest, the responsible Advisers of the Executive Government thereof, and as such are referred to frequently by it, as well in cases where private rights are concerned, as in those of a public nature. That in the opinion of the House they therefore ought not to take the lead, conduct, nor participate in the political business of the Government, nor ex officio to occupy seats in the Executive Council, nor to deliberate therein as Members thereof; but to be exempt therefrom, and restricted to the official duties appertaining to their station in Her Majesty's Courts of Law, which are now, by reason of the attention of those Officers to the political business of the Government, performed by substitution and at great additional expense to the Country, and that they should be professionally consulted only in legal matters by the Executive, when for its information and guidance it may be necessary to refer to them for their opinion and report thereupon, and which, in the opinion of this House should be as free of all suspicion of any political bias, as are and ought to be, the decisions of the Judges of Her Majesty's Law Courts.

Seventhly.-- That, in like manner, the Commissioners of Public Works, whose functions are immediately connected with, and subordinate to, the Executive Council, and who, being directly accountable to it for all contracts they may enter into, and public monies expended by them pursuant thereto, ought also, in the opinion of this House, to be relieved from serving in the same Council, and from deliberating therein as Members thereof, their positions as Members of the said Executive Council being incongruous, if not incompatible with their just and necessary responsibilities towards it.

Eighthly.-- That Her Majesty's Executive Council in the Province, besides uniting in itself functions, that in England are divided between Her Majesty's Privy Council and the Ministerial Cabinet, constituted as it is, solely of salaried Officials, Heads of Departments, is subject to the suspicion of mercenary, as well as undue party influences, in the conduct of public affairs, and is in fact a Bureaucracy of political partizans, not only ill-adapted to promote the peace, welfare and good government of the Province, but absolutely of a character to agitate and unsettle it.

Ninthly.-- That, in the opinion of this House, the introduction into the said Executive Council, of at least a number equal to that of the officials therein, of unpaid and non-stipendiary Members, independent of the Executive, selected from among the most eminent in the agricultural, commercial and industrial interests in the Province, would prove a salutary reform in the constitution and character of the said Executive Council, and entitle it to a greater portion of the public confidence and support, than, under its present organization, it can be expected ever to acquire.

Tenthly.-- That, in the opinion of this House, the examples set by previous administrations, in making the Ministerial post, or office, of the Executive Councillor, a stepping stone to non-political offices of the highest grade and emolument, and of permanent tenure, and in particular those of the present Administration, immediately upon their attainment to power, in conferring Judgeships upon two of their colleagues, are instances not only elusive of the responsibilities sought for and assumed, and a conversion to sordid and selfish purposes, of the important trust confided to them, by

turning their position, as Constitutional Advisers of the Queen's Representative, to private account in helping themselves to profitable retirements from their political pursuits; but they are also of a nature to bring into disrepute the Judgment Seat, by throwing it open, rather to the competition of political agitation and intrigue than to professional worth and eminence; and are, moreover, evidences of a policy derogatory to Her Majesty's Government, making it that of a party, and avowedly protective of party interest, with equal if not greater zeal than those of the public, holding out, with a view to perpetuate their own power as a principle, and the policy by which they are to be guided in the administration of the Government, a preference for partizans over all others, in their appointments to office under the crown; against all which this House deem it to be its bounden duty to record the expression of its disapprobation, and to protest, as unfitting to be drawn into precedent hereafter, or practically followed, and in fact of a nature to bring into contempt the existing system of so-called "Responsible Government," and truly to characterize it as "a mockery, a delusion, and a snare," to entrap the unsuspecting, and of a tendency to enslave the country, reduce the Representative of the Sovereign to the level of an agent to the political party for the time being prevailing--convert the royal patronage into "spoils," to stimulate and reward the agitation of political partizans and adventurers; and finally to supersede, by a democracy in disguise, the just and constitutional authority of the Sovereign of this Province.

Eleventhly.-- That, in the opinion of this House, the Law expenses or costs of Justice generally, in all Her Majesty's Law Courts throughout the Province, are an exorbitant tax and grievance upon the people thereof, requiring the immediate attention of Her Majesty's Executive Government, and measures of redress, and that an Humble Address, on the subject, be presented to His Excellency the Governor General, accordingly.

Twelfthly.-- That it is expedient to erect a Tribunal or Jurisdiction in this Province for the trial of Impeachments.

Thirteenthly.-- That this House renews its vote, with respect to the abolition of the Feudal Tenure, of the 28th July, 1841, as follows:--

1st, Resolved.-- That from the increasing improvement of the Country, and from the abuses which have grown out of the operation of the Tenure of Lands, now existing in that part of the Province, heretofore called Lower Canada, commonly known as the "Seigniorial Tenure," the said Tenure has become less adapted to the wants, prosperity and advancement of the Province, and in many instances burdensome and oppressive to the people.

2nd, Resolved.-- That the different Legislative Enactments passed in the Parliament of the United Kingdom, touching and concerning the said Tenure, have not attained the end sought for by their framers--and that it is expedient to adopt other efficient and equitable means for relieving the people from the difficulties, and of gradually substituting for the Seigniorial System, a Free Tenure, more consonant to their condition, interests and wishes.

3rd, Resolved.-- That, in the changes to be made in the Laws of Tenure, due regard should be had to the vested rights of all parties, concerned, and provision made for ascertaining the same with a view to an equitable adjustment.

Fourteenthly.--That it is expedient that an Humble Address be presented to His Excellency the Governor General, praying to be pleased to take into consideration the expediency of a general amnesty for all political offences committed in either of the Provinces of Upper Canada and of Lower Canada since 1837, inclusively.<sup>19</sup>



FOOTNOTES: 18 JANUARY 1849.

1. The PILOT, 19 January 1849, copied by the BROCKVILLE RECORDER, 25 January 1849, noted that: "His Excellency read the Speech in a clear and distinct voice in English, and afterwards in French, and shortly after retired with his suite."
2. The debate on this matter was reported by: L'AVENIR, 20 January 1849; GLOBE 27 January 1849; PILOT, 19 January 1849, MORNING CHRONICLE, 22 January 1849, BRITISH COLONIST, 23 January 1849, acknowledging PILOT, 19 January, as its source, PROVINCIALIST, 25 January 1849, BROCKVILLE RECORDER, 25 January 1849, acknowledging PILOT, 19 January 1849, as its source, and ST. CATHARINES JOURNAL, 25 January 1849, also acknowledging PILOT, 19 January 1849, as its source, in identical accounts; MONTREAL GAZETTE, 22 January 1849, BRITISH COLONIST, 26 January 1849, and GLOBE, 25 January 1849, in identical accounts.
3. MONTREAL GAZETTE, 22 January 1849.
4. L'AVENIR, 20 January 1849.
5. IBID.
6. The debate on this matter was reported by: LA MINERVE, 22 January 1849; MONTREAL GAZETTE, 22 January 1849, BRITISH COLONIST, 26 January 1849, and GLOBE, 24 January 1849, in identical accounts. PILOT, 19 January 1849, and BROCKVILLE RECORDER, 25 January 1849, noted the debate. Commentaries may be found in: ST. CATHARINES JOURNAL, 25 January 1849, which acknowledged BRITISH COLONIST as its source; BRITISH COLONIST, 23 January 1849; PILOT, 19, 24 January 1849; PROVINCIALIST, 22 January 1849; HAMILTON SPECTATOR, 20 January 1849; GLOBE, 20, 27 January 1849; PRINCE EDWARD GAZETTE, 26 January, 2 February 1849; PACKET, 10 February 1849, which acknowledged its source as OTTAWA ADVOCATE; BATHURST COURIER, 26 January 1849; MONTREAL GAZETTE, 26 January 1849; MORNING CHRONICLE, 22 January 1849; and LA MINERVE, 22 January 1849.
7. MONTREAL GAZETTE, 22 January 1849.
8. IBID.
9. IBID.
10. The debate on this matter was reported by: MONTREAL GAZETTE, 22 January 1849, BRITISH COLONIST, 26 January 1849, and GLOBE, 24 January 1849, in identical accounts.
11. MONTREAL GAZETTE, 22 January 1849.
12. The debate on this matter was reported by: L'AVENIR, 20 January 1849; MONTREAL GAZETTE, 22 January 1849, BRITISH COLONIST, 26 January 1849, and GLOBE 24 January 1849, in identical accounts.
13. L'AVENIR, 20 January 1849.
14. IBID.
15. IBID.
16. IBID.
17. The debate on this matter was reported by: L'AVENIR, 20 January 1849; GLOBE, 27 January 1849; PILOT, 5 February 1849; LE JOURNAL DE QUEBEC, 27 January 1849; PILOT, 19 February 1849, MORNING CHRONICLE, 22 January 1849, BRITISH COLONIST, 23 January 1849, which acknowledged

PILOT, 19 January 1849, as its source, PROVINCIALIST, 25 January 1849, BROCKVILLE RECORDER, 25 January 1849, which acknowledged PILOT, 19 January 1849, as its source, and ST. CATHARINES JOURNAL, 25 January 1849, which also acknowledged PILOT, 19 January 1849, as its source, in identical accounts; and MONTREAL GAZETTE, 22 January 1849, and GLOBE, 24 January 1849, in identical accounts. The GLOBE, 27 January 1849, which styled the Resolutions "Quixotic," commented that "This man is the greatest, perhaps the only, driveller in the house; it is time Gaspé were rid of him."

18. L'AVENIR, 20 January 1849.

19. PILOT, 19 January 1849.

FRIDAY, 19 JANUARY 1849.

(5)

Report of  
Librarian.

MR. SPEAKER communicated to the House, a Report received from the Librarian, of the present state of the Library of the House, pursuant to a Standing Order of the 19th June, 1841; which Report is as followeth;--

The Librarian of the Honorable the Legislative Assembly begs leave respectfully to report,--

That owing to the brief duration of the last Session of Parliament, no Library Committee was appointed, and consequently no provision was made by Your Honorable House for the increase of the Library.

That, nevertheless, during the past Recess, it has been considerably augmented, principally by the receipt from Messrs. Armour and Ramsey, of the large order entrusted to them by the Committee in 1847; but which, as was noted in the last Annual Report, was unfortunately lost on its way to this country, by the total wreck of the vessel in which it was shipped. On learning this unfortunate circumstance, no time was lost by the Agents in renewing their order; and in the course of the past summer the books were received.

About the same time also, the French order, of the same date, entrusted to Messrs. Fabre and Company, was duly executed; the delay, in this instance, having arisen from its not having been possible to place the order in their hands in sufficient time to ensure its speedier fulfilment.

It is satisfactory to state, that both the English and French Agents have discharged their respective commissions with care and attention.

The description of binding formerly obtained for the French books having elicited much complaint, as being of an inferior description, a much better kind has been substituted, at a trifling additional expense, which it is hoped will meet with general approbation.

Upon the close of the last Session, without provision being made for the purchase of books in the ensuing Recess, beyond those already ordered, the Honorable the Speaker liberally empowered the Librarian to procure,

(6)

from time to time, any special works they might meet with, which they should think likely to prove desirable acquisitions for the Library. They have availed themselves of this permission to collect a few works of legal, historical, and miscellaneous nature; for a list of which, reference is respectfully requested to the Appendix of this Report.

Mr. Faribault also, has not relaxed his usual infatigable labours, on behalf of the American Department, but has enriched it, during the past year, with many valuable and curious works, illustrative of the general history of this Continent.

Intelligence has been indirectly received, through a gentleman from Paris of a very munificent and handsome donation about to be made to the Library, by the Republic of France, of a series of important historical works, published by order of the late Government of that Kingdom, whose intention it was to present copies of the same to the Canadian Legislative



Assembly, as a memento of the connexion which formerly existed between this Colony and France. For the carrying out of the intention of the late Government, our thanks are due to the courtesy of the Authorities of the Republic.

Upon the arrival of the books, every suitable arrangement will be made for their proper preservation.

It has not been thought advisable to publish a supplementary catalogue of the books added to the Library since the last Session, inasmuch as the present edition of the general catalogue, published in 1846, is nearly exhausted; and it will be necessary, before another Session, to prepare and print a new one, in which the whole contents of the Library will be included.

The number of books now in the Library, exclusive of those relating to the America, may be estimated at 10,702 volumes--that collection amounts to 1,630 volumes, making a total of 12,332 volumes.

For a list of the books received under the orders of the Library Committee of 1847, Your Honorable House is respectfully referred to the Committee's Report of that year,--all the books therein mentioned, with very few exceptions, having been obtained.

The list of books procured by authority of the Honorable the Speaker by donation, or under the Copyright Act, will be seen on reference to the Appendix of this Report.

All which is respectfully submitted.

WILLIAM WINDER,  
Librarian.

Library Legislative Assembly,  
19th January, 1849.

#### APPENDIX.

List of Books added to the Library by purchase, under Mr. Speaker's authority, since the last Report:

##### Theology, &c.

*Constitutions and Canons of the Apostles*; edited by Dr. Chase. 1848.

##### Government, Politics, &c.

*Saint Edme. Dictionnaire de la Pénalité*. 5 vols. 1824.

*Grimke, on the Nature and Tendency of Free Institutions*. 1848.

##### Political Economy, Statistics, &c.

*M'Culloch's Statistical Account of the British Empire*. 2 vols. 1846.

*Bastial, Sophisms of the Protective Policy*. 1848.

##### Law of Nations.

*Reddie's Researches into International Law*. 1842.

##### Parliamentary Law.

*Lutwyche's Registration Cases*. Vol. 1. 1847.

*Evans, on the Bribery Laws*. 1847.

*Statue and Common Law.*

*Archbold, on Pleading and Evidence.* 1846.  
*Crabb's Digest to the Statues, Part 4.* 1847.

*American Law.*

*Blunt's Ship Masters' Assistant.* 1848.  
*Holcombe's Digest of Decisions of Supreme Court.* 1848.  
*Holcombe's Law of Debtor and Creditor in the United States and Canada.* 1848.

*Physical Science.*

*Smith's Natural History of the Human Species.* 1848.

*Fine Arts.*

*Modern Painters.* 2 vols. 1847-8.  
*Holbein's Dance of Death.* 1816.  
*Stuart's Dictionary of Architecture.* 3 vols. 1830.  
*Hosking's Guide to the Erection of Public Buildings.* 1848.

*Art of War.*

*Aide-Mémoire to the Military Sciences; vols. 1 and 2.* 1845-6.

*Medicine, &c.*

*Dioscoride, Commentaires.*  
*Chapman's Therapeutics.* 2 vols. 1831.  
*Darglison's Therapeutics.* 2 vols. 1846.  
 ----- *Human Physiology.* 2 vols. 1846.  
 ----- *Dictionary of Medical Science.* 1846.  
*Gray's Supplement to the Pharmacopœia.* 1847.  
*Wood & Bache's American Dispensatory.* 1847.  
*M'Williams' Medical History of the Niger Expedition.* 1843.  
*Macculloch on Marsh Fever.* 2 vols. 1828.  
*Cloquet, Anatomie descriptive.* 2 vols. 1836.  
*Wallace on Venereal Disease.* 1838.  
*Ellis' Medical Formulary.* 1838.

*Belles-Lettres.*

*Knight's Half-hours with the best Authors.* 2 vols. 1847-8.  
*Vericour, Modern French Literature.* 1848.  
*Howitt's Visits to Remarkable Places.* 2 vols. 1840-2.  
*Bibliotheca Londinensis.* 1848.  
*Index to Periodical Literature.* 1848.  
*Burton's Anatomy of Melancholy.* 1847.  
*Ellis' Specimens of Early Metrical Romances.* 1848.  
*Herodotus; translated by Cary.* 1848.

*Dictionaries.*

*Walker's Dictionary.* 1847.  
*Bartlett's Dictionary of Americanisms.* 1848.

### History and Biography.

*Chronicles of the Crusades.* 1848.  
*Mallett's Northern Antiquities.* 1847.  
*Bede's Ecclesiastical History.* 1847.  
*Six Old English Chronicles.* 1848.  
*William of Malmesbury's Chronicle.* 1847.  
*Buxton's (Sir T. F.) Life.* 1848.  
*Fry, Mrs. Elizabeth, Memoirs.* 2 vols. 1848.  
*Talfourd's Final Memorials of Lamb.* 1848.  
*Jesse's Memoirs of the Pretenders.* 2 vols. 1845.  
*Bower's History of the University of Edinburgh.* 3 vols. 1817.  
*Lamartine's History of the Girondists.* 3 vols. 1847.  
*Bedford, John, Duke of, Correspondence.* 3 vols. 1842-46.

### Heraldry and Genealogy.

*Moule's Bibliotheca Heraldica.* 1822.  
*Nicolas' Siege of Carlaverock.* 1828.

(7)

*Craik's Romantic History of the Peerage.* Vol. 1. 1848.  
*Burke's Heraldic Illustrations.* 3 vols. 1844-46.

### Books presented under the Copyright Act:--

By Messrs. Lovell and Gibson, Publishers

*Andrews' Collection of Original Sacred Music.* 1848.  
*Abrégé de Géographie; à l'usage des Ecoles Chrésiennes.* 2e édition. 1845.  
 ----- *le meme ouvrage.* 3e édition. 1847.  
*Traité d'Arithmétique; à l'usage des Ecoles Chrésiennes.* 1844.  
 ----- *le meme ouvrage.* 4e édition. 1847.  
*Abrégé de l'Histoire Sainte, de France, et du Canada.* 1846.

By Messrs. Fabre & Co., Publishers.

*Boucher-Belleville, Principes de la Langue Française.* 1848.

### Books presented to the Library as Donations.

By Dr. Winder:--*Lambard's Perambulation of Kent* 1576.  
 By Mr. Fleming:--*Rae's Political Economy.* 1834.

### Books relating to the History of America, chiefly purchased by Mr. Faribault:--

*Abrégé de la Révolution d'Amerique, par D. B. in-12. Paris* 1778.  
*Acosta (Joseph D') The Natural and Moral History of the East and West Indies.* 8 vo. London, 1604.  
*Alexander's (J. E.) Transatlantic Sketches, comprising Visits to the most interesting scenes in America, &c.* 2 vols. 8vo. London, 1833.  
*America and the West Indies, geographically described.* 8vo. London, 1845.  
*America, or an Exact Description of the West Indies; by N. N. Gent.* 12mo. London, 1665.  
*American Archives, Fourth Series, from 1774 to 1776. folio, vols. 1 to 5* Washington, 1837-44.



- American Museum*. 12 vols. 8vo. Philadelphia, 1787-89.
- American Remembrancer, or an impartial Collection of Essays, &c., relative to the Treaty with Great Britain*. 3 vols. 8vo. Philadelphia, 1795.
- Americans, as they are described in a Tour through the Valley of the Mississippi*. 8vo. London, 1828.
- Anecdotes Américaines*, in-12. Paris, 1776.
- Anderson (M.) *Histoire Naturelle de l'Islande et du Groenland; traduite de l'Allemand*. 2 vols. in-8. Paris, 1750.
- Andrews (Rev. W. W.) *Correspondence and Miscellanies of Gov. Smith of Connecticut*. 8vo. New York, 1847.
- Annals and Memoirs of the Royal Society of Northern Antiquaries. First Series*. 8vo. Copenhagen, 1836-37.
- Ashe (Thomas) *Travels in America, performed in 1806*. 3 vols. 12 mo. London, 1808.
- Atkinson (Rev. C. W.) *Guide to New Brunswick, British North America*. 12mo. Edinburgh, 1843.
- Ballantyne (Rob. A.) *Hudson's Bay or Every Day Life in the Wilds of North America*. 8vo. London, 1848.
- Barclay (Capt.) *Agricultural Tour in Canada and the United States*. 8vo. London, 1848.
- Bartram (U.) *Voyage dans les parties Sud de l'Amérique*. 2 vols. in-8. Paris, an. IX.
- Beaudry de Lozières, *Voyage à la Louisiane*. 8vo. Paris, 1802.
- Beaujour (Felix de) *Sketch of the United States of America* 8vo. London, 1814.
- Beltrami's *Pilgrimage in Europe and America*. 2 vols. 8vo. London, 1828.
- Bibaud (F.M.) *Biographie des Sagamos Illustres de l'Amérique*. in-8. Montréal, 1848.
- Birkbeck's *Letters from Illinois*, 8vo. London, 1837.
- Bonrepos (Le Chevalier de) *Description du Mississippi*. in-12. Rouen, 1672.
- Bossi, *Histoire de Christophe Colomb*. in-8. Paris, 1824.
- Botta (Charles) *Histoire de la Guerre de l'Indépendance des Etats-Unis*. 4 vols. in-8. Paris 1812.
- Boudinot (Dr. E.) *Star in the West, or an Attempt to Discover the Long-lost Ten Tribes of Israel*. 8vo. Trenton, 1816.
- Bradford (Alden) *History of the Federal Government*. 8vo. Boston, 1840.
- Bullock (W.) *Six Months' Travels and Residence in Mexico*. 8vo. London, 1824.
- Bulkley (C.H.) *Niagara Falls--A Poem*. 8vo. New York, 1848.
- Burke's *Speeches on Conciliation with America, and Hartley's Letters on the American War*. 8vo. London, 1775 and 1778.
- Catesby (Mark) *Hortus Britanno-Americanus*. folio. London, 1773.
- Channing (Dr.) *Memoirs and Correspondence*. 3 vols. 8vo. Boston, 1848.
- Christie (R.) *History of Lower Canada, Parliamentary and Political*. 2nd vol. Quebec, 1848.
- Clinton's (D. U.) *Introductory Discourses on the Discovery of America*. 8vo. New York, 1815.
- Collot's (Genl.) *Journey in North America, &c. Atlas*. 2 vols. 4to. Paris, 1826.
- Coke (Lieut. E. F.) *A Subaltern's Furlough, Description of Scenes in America, &c*. 8vo. London, 1833.

- Considération sur l'Acadie*; in-12. Francfort et La Haye, 1756.  
 Cooney's (R.) *Compendious History of part of New Brunswick*, in-8. Halifax, 1832.  
 Cooper's (J. F.) *Notions of the Americans*, 2 vols. 8vo. London, 1838.  
 ----- *Reseignemens sur l'Amérique*, in-8. Paris, 1795.  
 ----- *Le Lac Ontario*, in-8. Paris, 1841.  
 ----- *Le Dernier des Mohicans*, in-8. Paris, 1846.  
 ----- *Histoire de la Marine des Etats-unis*, 2 vols. in-8. Paris, 1845.  
 Dampier's *Collection of Voyages*, 3 vols. 8vo. London, 1699.  
 Delongchamps, *Histoire de la dernière Guerre*, 3 vols. in-8. Amsterdam, 1787.  
 Denonville's *Expedition against the Senecas*, in 1687, 8vo. New York, 1848.  
*Description de l'Amérique et des Parties d'icelle, comme la Nouvelle France*, &c. &c., folio Amsterdam, 1638.  
 Drake's (Daniel) *Picture of Cincinnatti*, 12mo. Cincinnatti, 1815.  
 Emory (W. H.) *Notes of a Mititary Reconnaissance*, 8vo. New York, 1848.  
 Elliot (S. A.) *History of Harvard College*, 8vo. Boston, 1848.  
*Elogio di Amerigo Vespucci del Stanislaus Canova*, 8vo. Venetia, 1798.  
*Elogio di Amerigo Vespucci composto del Proposto Marco Lastri*, 4to. Venetia, 1787.  
*Elogio Storici di Christofori Columbo e di Andréa Doria*, 4to. Parma, 1781.  
 Ens (Gaspar) *India Occidentalis Historia; in qua prima Regonium Istarium Dectectio*, &c., 8vo. Coloniae, 1612.  
*Essay on Trade of the Northern Colonies of Great Britain in America*, 8vo. London, 1764.  
 Fairfield's (S.L.) *Life*, by his Widow, 12mo. New York, 1848.  
 (8)  
 Fearons (Peter) *Sketches of America*, 8vo. London, 1818.  
 Featherstonehaugh (G. U.) *Geological Report of the Country between the Missouri and the Red River*, 8vo. Washington, 1846.  
 Ferguson (Adam) *Practical Notes during a Tour in Canada*, &c., 12mo. Edinburgh, 1834.  
 Fiddler (Rev. J.) *Observations on Professions, Literature, &c., in the United States and Canada*, 8vo. London, 1833.  
 Finch (J.) *Travels in the United States and Canada*, 8vo. London, 1833.  
 Force's (Peter) *Collection of Tracts*, (vol. 4th.) 8vo. Washington, 1846.  
*Free and Candid Remarks on the late Commotions in America*, 8vo. London, 1774.  
 Gage (Thomas) *New Survey of the West Indies, or Journal within the Main-land of America*, 8vo. London, 1677.  
 Gass (Patrick) *Voyages and Travels from the Missouri to the Pacific Ocean*, 8vo. London, 1808.  
*Gazzetièrre Americano*, 3 vols. 4to. Livorno, 1763.  
 Gandais (Aug.) *Mémorial de la vie du Gouvr. Morris*, 2 vols. in-8. Paris, 1841.  
*Genealogical Register of New England*, vols. 1 and 2, Boston, 1847-48.  
 Gleig's *Campaigns of the British Army at Washington and New Orleans in 1814-15*, 12mo London, 1827.

- Graham (Dr.) *Descriptive Sketch of Vermont*, 8vo. London, 1797.
- Griswold (R.W.) *Poets and Poetry of America*, 8vo. Philadelphia, 1848.
- Grund (F.J.) *The Americans in their Moral, Polical, and Social Relations*, 2 vols. 2vo. London, 1837.
- Hosmer (W.H.C.) *Yonondio, or Warriors of the Genessee*, 8vo. New York, 1844.
- Hall (Capt. B.) *Voyages dans les Etat-Unis et dans le Haut et Bas-Canada*, in-8. Bruxelles, 1835.
- Herrera (Ant. De) *Description des Indes Occidentales, ou Nouveau Monde*, folio. Amsterdam, 1622.
- Histoire de l'Hôtel-Dieu de Québec ; par la Révérende Soeur Juchereau de St. Ignace*, in-8. Mountauban, 1751.
- Historical Review of Pennsylvania*, 8vo. London, 1759.
- Humboldt, *Essai Politique sur l'Isle de Cuba*, 2 vols. in-8 Paris, 1826.
- *Researches concerning the Institutions &c., of the Ancient Inhabitants of America*, 2 vols. 8vo. London, 1814.
- Herbert (H. W.) *Frank Forester's Field Sports of the United States and British Provinces*, 2 vols. 8vo. New York, 1837
- Illinois in 1837,--A Description of the Situation of*, 8 vo. Philadelphia, 1837.
- Jenkins (J.S.) *History of the War between the United States and Mexico*, 8vo. Auburn, 1848.
- Kendall (G. W.) *Narrative of the Texan Santa-Fé Expedition*, 2 vols. 8vo New York, 1847.
- Lafitau (Le Rev. P.) *Moeurs des Sauvages Américains*, 4 vols in-12. Paris 1724.
- Lahontan (Le Baron de) *Nouveaux Voyages dans l'Amérique Septentrionale*. 2 vols. in-12. La Haye, 1709.
- Las Casas (Barthelemy de) *Histoire des Indes Occidentals*, in-8. Lyon, 1642.
- Leclercq (le Rev. P.) *Nouvelle Relation de la Gaspésie*, in-8. Paris, 1691.
- Lerii (Joannis de) *Historia Navigationis in Brasiliam quoe et America dicitur*, 12mo. Geneva, 1586.
- Lery (Jean de) *Histoire d'un Voyage au Brésil*, in-8. Genève, 1578.
- Autre Edition, in-8. Genève, 1580.
- Autre Edition, in-8. Genève, 1593.
- Autre Edition, in-8. Genève, 1611.
- Lescarbot (Marc) *Histoire de la Nouvelle France*, in-8. Paris, 1609.
- Autre Edition, in-8. Paris, 1612.
- Lettre de M., à M. S. B. au Sujet des Troubles de l'Amérique Septentrionale*, in-8. LaHaye, 1776.
- Lettre d'un Officier de la Louisiane à M. Commissaire de la Marine à --*, in-12. Paris, 1764.
- Lettres d'un Membre du Congrès Américain à divers Membres du Parlement d'Angleterre*, in-8. Philadelphia, 1779.
- Lockhart's (E.) *Narrative of the Claims of the Earl of Stirling respecting Nova Scotia*, 4to. Edinburgh. 1836.
- Long (J.) *Voyages and Travels of an Indian Interpreter, &c.*, 4to. London 1791.
- Ludewig (H. E.) *Bibliographical Essay on American Local History*, 8vo. New York, 1846.



- Marshall (John) *History of the Colonies planted by the English on the Continent of North America*, 8vo. Philadelphia, 1824.
- Marshall (H.) *History of Kentucky*, 2 vols. 8vo. Frankfort, 1824.
- Maxwell (Lieutenant Colonel) *A Run through the United States in 1840*, 8vo. London, 1841.
- Men and Manners in America*. 2 vols. 8vo. Edinburgh, 1833.
- Milbert (J.) *Itinéraire Pittoresque du Fleuve Hudson, et des parties latérales de l'Amérique du Nord*. 2 vols. in-4, avec Atlas, in-fol. Paris, 1828-9.
- Missions (Recueil des) pour la Propagation de la Foi dans l'Amérique Septentrionale*. 3 vols. in-8. Montréal, 1839-42.
- Mollien (G.) *Voyage dans la République de la Colombie*. 2 vols. in-8. Paris, 1824.
- Murat (Achille) *Lettres sur les Etats-Unis de l'Amérique*, in-12. Paris, 1830.
- Napione del primo Scopritore del Nuevo Mondo*, 8vo. Morelli, 1809.
- *Lettera rarissima di Christofro Colombo*, in-8. Bassano, 1810.
- *Della Patria di Christofro Colombo*, in-8. Firenze, 1808.
- New England and her Institutions; by one of her Sons*, 8vo. London, 1835.
- Northern American Tourist*, 12mo. New York, 1839.
- O'Callaghan (Dr.) *History of the New Netherlands*, (2d vol.) 8vo. New York, 1848.
- Oldmixon's British Empire in America*. 2 vols. 8vo. London, 1841.
- Olier, Vie de M. Olier, Fondateur du Séminaire de St. Sulpice, in-8, LeMans, 1843.
- Orbigny (M.D') *Voyage dans les Deux Amériques--Résumé de tous les Voyages dans cette partie du Monde*, 4to. Paris, 1841.
- Oviedo, *Histoire Naturelle et Générale des Indes*, in-fol. Paris, 1656.
- Pictet (C.) *Tableau de la Situation Actuelle des Etats-Unis de l'Amérique*, 8vo. Paris, 1795.
- Political Tracts on American Independence*, by Major Cartwright. 8vo. London, 1775 and 1777.
- Prescott (U. H.) *The Conquest of Peru*. 2 vols. 8vo. London, 1847.
- Price (Dr. R.) *Two Tracts on War with America*. 8vo. London, 1778.
- *Observations on the Nature of Civil Liberty--Additional Observations*. 12mo. Dublin, 1776-7.
- Pownall (Governor) *Three Memorials, addressed to the Sovereigns of Europe, Great Britain and North America*. 8vo. London, 1784.
- (9)
- Quebec Bill, A Letter to Lord Chatham on the*, 8vo. London, 1774.
- Rafinesque (Professor C. S.) *Ancient History or the Annals of Kentucky*. 8vo. Frankfort, Kent, 1824.
- Raguenau (Le Rev. P.) *Vie de la R. M. Catherine de St. Augustin, Religieuse de l'Hôtel Dieu de Québec*. in-8. Paris, 1671.
- Ramon de la Sagra, *Cinq Mois de Séjour aux Etats-Unis de l'Amérique du Nord*. in-8. Paris, 1837.
- Remarks on the Acts relating to the Colonies, with a Plan of Reconciliation; (by J. Linde.)* 8vo. London, 1775.
- Robertson (U.) *Histoire de l'Amérique; Revue et Corrigée par M. de la Roquette*. 4 vols. in-8. Paris. 1828.

- Ross (Sir Jas. Clarke) *Voyage of Discovery and Research in the South and Antarctic Regions*. 2 vols. 1839-42. 8vo. London, 1847.
- Rubio's *Rambles in the United States and Canada in 1845*. 8vo. London, 1847.
- Schoolcraft (H.R.) *Notes on the Iroquois*. 8vo. Albany, 1847.
- *View of the Lead Mines of the Mississippi*. 8vo. New York, 1819.
- Scoresby (U.) *Account of the Arctic Regions*. 2 vols. 8vo. Edinburgh, 1820.
- Simon (B. A.) *The Ten Tribes of Israel identified with the Aborigines of the Western Hemisphere*. 8vo. London, 1836.
- Smet (Father P. J. de) *Oregon Missions and Travels over the Rocky Mountains*. 12mo. New York, 1847.
- Smith (M.) *Geographical View of Upper Canada*. 12 mo. Philadelphia, 1813.
- *Topography of Upper Canada*. 8vo. London, 1813.
- Solis' *History of the Conquest of Mexico*; translated by Townsend. Folio edition. Plates. London, 1724.
- Sparks' (Jared) *American Biography*. Continuation of New Series. Vols. 7 to 15. 12mo. New York, 1845-47.
- Squiers' and Davis' *Ancient Monuments of the Mississippi Valley*. 4to. New York, 1848.
- Stephen (Rev. W. B.) *History of Georgia, from its first Discovery*. 2 vols. 8vo. New York, 1847.
- Stewart's *Account of Prince Edward Island*. 8vo. London, 1806.
- Sturge's (Joseph) *Visit to the United States in 1841*. 8vo. London, 1842.
- Sewall (R. K.) *Sketches of St. Augustine*. 12mo. New York, 1848.
- Thatcher (B. R.) *Indian Traits*. 2 vols. 12 mo. London, 1834.
- Thevenot (M.) *Recueil de Voyages--Journal de Marquette et Joliet*, in-8. (2 exemplaires) Paris, 1681.
- Thompson (Z.) *History of Vermont*. 8vo. Burlington, 1842.
- Tucker's *Tracts on the Affairs of America*. 8vo. Gloucester, 1782.
- Tudor (U.) *The Life of James Otis, with notice of Events from 1760 to 1775*. 8vo. Boston, 1823.
- Vermont State Papers. 8vo. Middlebury, 1823.
- Viaggio d'Amerigo Vespucci con la Vita, l'elogia et la dissertazione del P. Stanislas Canova. 8vo. Firenze, 1817.
- Views and Reviews of American Literature. 8vo. New York, 1845.
- Voyage des Troupes Allemandes, depuis Stade à Québec (en Allemand.) 8vo. Frankfort, 1776.
- Wanderings and Fortunes of some German Emigrants. 8vo. New York, 1848.
- Ward (H. G.) *Mexico, with an Account of the Mining Companies*. 2 vols. 8vo. London, 1829.
- Warden (D. B.) *Chronologie Historique de l'Amérique*. 10 vols. in-8. Paris, 1826-44.
- *Description Statistique, Historique, et Politique des Etats-Unis de l'Amérique*. 5 vols. 8vo. Paris, 1820.
- Warville's *Travels in America*. 8vo. London, 1792.
- Webster (D.) *Diplomatic and Official Papers*. 8vo. New York, 1848.
- Wheeler (H. G.) *Political History of Congress*. Vol. 1st. 8vo. New York, 1848.
- Williamson (Peter) *French and Indian Cruelty*. 12mo. Edinburgh, 1762.

Wood (J.) *Two Years' Residence in the English Prairie*. 8vo. London, 1822.  
 Worsley (Israel) *View of the American Indians*. 8vo. London, 1828.  
 Wyse.--*America, its Realities and Resources*. 3vols. 8vo. London, 1846.

On motion of Mr. Jobin, seconded by Mr. Duchesnay,

Stormont  
Election.

Ordered, That the Select Committee appointed (During the last Session) to try the merits of the Petition complaining of an undue Election and Return for the County of Stormont, have leave to adjourn till Thursday next, at ten o'clock, A.M.

Cornwall  
Election.

Mr. Duchesnay, from the Select Committee appointed (during the last Session) to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, reported, That pursuant to the directions of the Statute of Upper Canada, 4 Geo. 4, c. 4, regulating the trial of Controverted Elections, the Committee met at twelve o'clock, noon, this day, and owing to the absence of Mr. Chauveau, Mr. Marquis, Mr. Egan, and Mr. Dumas, Members of the Committee, they were unable to proceed to business.

Ordered, That Mr. Chauveau, Mr. Marquis, Mr. Egan and Mr. Dumas, do severally attend in their places, in this House, on Monday next.

Petitions  
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Cauchon,--The Petition of William H. LeMoine, Esquire, and others, of Côte de Beaupré, County of Montmorency.

By the Honorable Mr. Cameron, of Kent,--The Petition of William Goodem and others, of the northern Townships of the County of Kent; and the Petition of Froome Talfourd, Esquire, and others of the northern Townships of the County of Kent.

By Mr. Scott, of Two Mountains,--The Petition of James Bowie, of the City of Montreal, Physician; and the Petition of Joseph Ouimette and others of St. Eustache and other Parishes, in the County of Two Mountains.

By the Honorable Mr. Badgley,--The Petition of the Reverend James Jones and others of the Township of Stanbridge, District of Montreal.

By Mr. Notman,--The Petition of William Benson and others, of the Township of Durwich, District of London; and the Petition of Benjamin Paine and others, of the Township of Delaware, District of London.

By Mr. Taché,--The Petition of the Reverend Charles Begin and others of the Parish of Rivière Ouelle and vicinity.

By Mr. Méthot,--The Petition of Thomas C. Lee and others, of the City of Quebec, and others interested in the Shipping frequenting the Port of Quebec.

(10)

By Mr. Malloch,--The Petition of the Reverend T. Smith and others, Roman Catholics of Upper Canada.

By Mr. Fortier,--The Petition of J. P. Pacaud and others, of Arthabaska and other Townships; and the Petition of Jean Gaulette and others, of Stanfold and other Townships.

By Mr. Price,--The Petition of Joseph Richard Thompson, of the Township of Brock, Home District.



By Mr. M'Farland,--The Petition of Archibald Thompson and others, of the Township of Stamford, District of Niagara; the Petition of Robert Hobson and others, District Councillors and Magistrates of the District of Niagara; the Petition of Charles Park and others, of the District of Niagara; and the Petition of Solomon Doan and others, of the Township of Crowland, District of Niagara.

By Mr. Dewitt,--The Petition of the Reverend Messire Charland and others, of St. Clément and other Parishes, County of Beauharnois.

By the Honorable Mr. Attorney General Baldwin,--The Petition of William Bagshaw and others, of the Township of Brock, Home District; and the Petition of Patrick Finn and others, Trustees of the Roman Catholic separate School of the Town of Niagara.

By Mr. Macdonald of Glengarry,--The Petition of L. Duvernay and others, Proprietors of Newspapers in the City of Montreal.

By Mr. Christie,--The Petition of Joseph Meagher, Esquire, and others, of the Township of LaNouvelle, County of Bonaventure; the Petition of J. Douglas, Esquire, and others, of the City of Quebec; the Petition of James Cormier and others, of the Magdalen Islands; and the Petition of Archibald Norman and others, of the District of Gaspé.

MR. H. BOULTON<sup>1</sup> introduced and moved the first reading of a bill to regulate the establishment of Joint Stock Companies for the construction of Roads in Upper Canada.<sup>2</sup>

MR. AT. GEN. BALDWIN said that the Government had a Bill for the same object matured and now in the hands of the printer<sup>3</sup>. He supposed, therefore, the hon. gentleman would not think it necessary to incur any further expense of printing until the bill was before the House, in order to ascertain whether it would not meet his views<sup>4</sup>, as it might obviate the necessity of proceeding with it.<sup>5</sup>

MR. H. BOULTON.--Je persiste dans ma proposition, j'ai déjà retiré le même projet à la dernière session, par condescendance pour l'administration; aujourd'hui je ne comprend (sic) pas, pourquoi un membre ne pourrait pas présenter une semblable mesure<sup>6</sup>, why the fact of Government having a bill of this kind in hand should prevent another member going on with his.<sup>7</sup>

SIR A. MACNAB thought the honorable member should be allowed to introduce his bill. He did not wonder that he did not chose to lose the credit of such a measure. Ministers might have communicated with the learned gentleman, and then he would have had the credit of it, and he doubtless would have frankly given them all the credit which they might deserve for their amendments. At any rate, the bill should be introduced, and then if the House did not think it necessary, it need not be printed.<sup>8</sup>

MR. AT. GEN. BALDWIN.--Si l'honorable M. voulait retirer sa proposition, il ne ferait en cela que suivre les précédents anglais. En Angleterre, un membre ne persiste jamais dans une semblable circonstance, et il se rend aux vœux des ministres. Si l'administration lors de la dernière session a prié M. B. de retirer son projet de loi, ce n'est pas qu'elle crût qu'il n'en avait pas le droit, mais parce qu'elle croyait

que c'était dans l'intérêt général de le faire.<sup>9</sup> The government were bound to take up a measure of this importance itself; but the practical question now was whether the expense of printing should be incurred unnecessarily.<sup>10</sup>

MR. H. BOULTON added a few remarks contending for the propriety of his course in pressing the introduction of his bill. He also intimated that in his opinion it was not desirable to place the roads to be made by Joint Stock Companies, too completely under the control of the district Councils<sup>11</sup>, which had a tendency to create obstacles.<sup>12</sup> He desired to give to all persons who desired to form Joint Stock Companies, the same right, as had been given to many companies already incorporated for making particular roads. His bill also would provide for the interference of the legislature to check im proper road making, if that were found necessary, but his opinion was that road making, could not be too much encouraged. If it were thought expedient, however, to place these roads partially under the control of the District Councils, it would be easy to do so by a short clause; but he believed that would not be desirable because it would tend to check such enterprises.<sup>13</sup> He hoped the government would throw no obstacles in the way of the Bill, although he would be glad to listen to any proposition that the government might make.<sup>14</sup>

MR. ASST. COM. P. W. CAMERON said, the Council would not have the control over these roads; but would have the right only to regulate them. The practice had always been to give up measures when the Government undertook them. He had done so several times.<sup>15</sup> It was a bad precedent to saddle the House with the expense of printing duplicates of Bills, when one to the effect of that proposed was already in their hands.

MR. INSP. GEN. HINCKS believed that the Government had no desire to take the measure out of the hands of the hon. member for Norfolk. They thought it would not do to make these enterprizes independent of the District Councils, and being prepared to go into the general subject of those municipalities they wished all their measures which concerned them to harmonize. Of course, if the gentleman were determined to go on, he would do so; but it would be more convenient for him first to see the Government bill.<sup>17</sup>

MR. H. BOULTON.--The hon. member...stated that his bill was for a different object from that of the Government measure.<sup>18</sup>

The motion was put and carried without any division.<sup>19</sup>

(10)

Joint Stock  
Road Com-  
panies (U.C.)  
Bill.

Ordered, That the Honorable Mr. Boulton Have leave to bring in a Bill to authorize the formation of Joint Stock Companies in Upper Canada, for the construction of Plank, Gravelled, or Macadamized Roads therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on this day three weeks.

MR. H. BOULTON<sup>20</sup> then moved the first reading of a Bill to amend the Law on the Limitation of Actions. The object of the Bill, the hon. member stated, was not to alter the time of the limitations, but merely to repeal the provisos in the present law, which declared that the limitation shall not run against persons absent from the country, persons in prison.<sup>21</sup>

Limitation of (10)  
Actions Bill. Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to alter the Law relating to the limitation of Actions in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

MR. MORIN<sup>22</sup> L'ORATEUR.--J'ai honneur de vous informer que le premier ordre du jour est la comparution de M. Vansittart, officier-rapporteur pour le comté d'Oxford, pour rendre témoignage relativement à sa conduite à la dernière élection de ce comté.<sup>23</sup>

MR. AT. GEN. BALDWIN called the attention of the House to the wording of the Order. It was irregular, and could not be acted upon in its present shape. To his surprise, the date for Mr. Vansittart's appearance was fixed for Sunday, the 21st. He and his colleagues were innocent of any participation in this informality, and he was at a loss to account for such an error. He would, therefore, move--"That the Order of the Day be rescinded, and that the date therein mentioned be altered to Monday next."<sup>24</sup>

Seconded by MR. COM. CR. LANDS PRICE.<sup>25</sup>

SIR A. MACNAB must oppose this mode of proceeding, as being in every respect as wrongful, as the error which it was intended to correct.<sup>26</sup> Sunday was a day on which the House did not sit, and therefore there was no order before the House; and before the order could be entered on the journals,<sup>27</sup> the Attorney General West must give a notice of motion to render such a step legal.<sup>28</sup>

MR. NOTMAN said he fully expected that Mr. Vansittart would have answered to the order on that day, (Friday.)<sup>29</sup>

SIR A. MACNAB ... continued. He had consented to the Resolution of 23rd March last, in consequence of the assurance of the Ministry that a recess of not more than two or three months would intervene between that and the ensuing Session. Why then had this particular day been fixed? Had Mr. Vansittart the means of knowing the date of his appearance was the 19th instead of the 21st, doubtless he would have obeyed the Injunction. He claimed the right of asking the House, through the Speaker, if this entry upon the Orders of the Day had been made at the instance of any individual member's interest?<sup>30</sup>

MR. MORIN the SPEAKER was not aware that such was the fact.<sup>31</sup>

SIR A. MACNAB desired the Speaker to enquire of the Clerk of the House how such an order came to be entered.<sup>32</sup>



MR. MORIN the SPEAKER said, that from reading the journals of the House he could not see how it could be an order of the day.<sup>33</sup>

((Mr. Morin)) ... was informed by the Clerk, that it had been placed on the orders of the day, by the Clerk entrusted with that Department who thought that as Sunday was not a day of meeting, the House would take some action on the matter to-day.<sup>34</sup>

MR. MORIN the SPEAKER replied that the Order had been entered on the journals by the Clerk of Routine.<sup>35</sup>

SIR A. MACNAB again wanted to know if he was not justified in asking if the Clerk of the House had acted in this matter on his own responsibility.--(Cries of No! no!)<sup>36</sup>

MR. MORIN the SPEAKER did not consider himself warranted in answering such questions, but he individually believed that the Clerk of the House thought he acted justly.<sup>37</sup>

SIR A. MACNAB must denounce such a liberty being taken with the journals, the rules of which were totally at variance with the present proposition.<sup>38</sup> The hon. member then commented on the precipitation which had been shewn, in demanding the appearance of Mr. Vansittart (sic), so soon after the meeting of the house, and said that if any Hon. Member was in the same position he would feel the injustice.<sup>39</sup>

MR. AT. GEN. BALDWIN was astonished that the extensive experience of the gallant Knight did not prevent him assuming such a position. He could not comprehend the cause of the error, nor see a shadow of objection that could be raised to the course he (Mr. B.) recommended, of appointing another day, especially as he conceived no inconvenience or annoyance would be caused to Mr. Vansittart. He seemed to be misunderstood, but knew not why.<sup>40</sup> It was no fault of the Clerk of the House, that the order stood as it did. The mistake had arisen from the motion having been adopted last season, that Mr. Vansittart should appear at the Bar on the fourth day of the ensuing session; nor did he blame the framer of the motion as he could not have reasonably calculated that the House would be opened on Thursday.<sup>41</sup>

SIR A. MACNAB repeated his assertion of the necessity of notice preceding the motion.<sup>42</sup>

MR. CAYLEY ... objected to this motion as irregular, no notice having been given of it. ((He)) ... wished Mr. Vansittart to have longer notice than till Monday.<sup>43</sup>

MR. AT. GEN. BALDWIN considered the present proposal, as the proper way of vindicating the authority of the House and individual convenience.<sup>44</sup> ((He)) was willing to fix the day for Mr. Vansittart's appearance for whatever day the hon. members wished.<sup>45</sup>

COL. GUGY contended for Mr. Vansittart's right to remain at home, in the performances of acts of religion, which he knew hon. members all so much loved and respected. The appearance required at this early part of the Session was most unjust. He should suggest the postponement of

the time till Monday fortnight, so to give Mr. Vansittart the opportunity of clearing himself, and to consult the future convenience of many, now absent members.<sup>46</sup>

SIR A. MACNAB put it as a question of honor, whether it was right to move for the transfer of the order until notice had been given, and read a precedent to that effect from an English statute book.<sup>47</sup> ((He)) expressed his determination to stand by the Rules of that House, especially in a case like the present, which, whatever might be said to the contrary, he maintained was of considerable importance, involving, as it did, a criminal prosecution against an individual.<sup>48</sup>

MR. J. S. MACDONALD said, that as Mr. Vansittart had probably left his home by this time en route for Montreal, it would, if they fixed a distant day for his appearance, be detaining him here needlessly. If he had not arrived on Monday, they could easily postpone the motion.<sup>49</sup>

MR. PRES. EX. COUN. MERRITT reminded Sir Allan Macnab that the House had been placed in this dilemma, by a blunder of his in fixing the day of Mr. V.'s appearance for the fourth day of the Session, instead of, as was customary, the first Monday or Tuesday of the Session, and now he was doing all he could to prevent them from getting out of the difficulty.<sup>50</sup>

COL. PRINCE said, he trusted, that the House did not intend to press the matter any further;--even had he been prejudiced against Mr. Vansittart, he said the explanation he had given at the Bar of the House<sup>51</sup> in his able and pathetic defence last Session,<sup>52</sup> would have served to convince<sup>53</sup> that he had not acted corruptly, although he might have been in error<sup>54</sup>, and he was convinced that he had done no further wrong than the Returning Officer for Beauharnois, whose explanation had been accepted<sup>55</sup>. The House had once been satisfied with Mr. Vansittart, and dismissed him,-- if so, why bring him hither again; had they new facts to produce to criminate that gentleman? He would ask them collectively, had not he (Mr. Vansittart) been sufficiently punished already? for it certainly was a serious and unenviable position to be situated, with regard to that House, in the way that Mr. Vansittart had been last Session. If he (Mr. Vansittart) had once cleared himself, why, in God's name, let them leave him alone.<sup>56</sup> He said that he had no connection with Mr. Vansittart, nor did he know that he had heard his name mentioned since he had last appeared at the Bar of the House; he therefore hoped the House would dispose with any further proceedings in the matter.<sup>57</sup>

MR. NOTMAN had taken some part in this Oxford Election case, and he<sup>58</sup> had no objection to postpone the period of Mr. Vansittart's attendance, but he had every desire that the question should be fully investigated, and that every means should be afforded him to explain his very extraordinary conduct on the occasion of the Oxford election.<sup>59</sup> As to the member for Essex, he would not accuse him of being actuated by personal considerations in his conduct in that affair, but by the tender heart and generous pity for which that gallant member was so well noted. The rights of that House had been grossly outraged by the acts of Mr. Vansittart, and how did he (Mr. Vansittart) comport himself on his appearance at their Bar last Session, with the full composure of an innocent man;

astonishing the House with the flow of his eloquence; on which occasion, so aroused were the feelings of the member for Essex,<sup>60</sup> when Mr. Vansittart had said that if the judgment of the House was against him, he would be thrown on his own resources for his daily subsistence,<sup>61</sup> that he came over to his (Mr. N.'s) side of the House in the fulness of his heart, saying, "What more would you have?" or words to that effect.--<sup>62</sup>

No, no, from COL. PRINCE<sup>63</sup>, interrupting, I said nothing of the kind.<sup>64</sup>

MR. NOTMAN (( continued:)) but ... was there no outrage on the House-- was there no outrage against the feelings of Mr. Brown, against whom the gallant Colonel was particularly severe?<sup>65</sup>

SIR A. MACNAB called the hon. gentleman to order for speaking of the debate of the former session.<sup>66</sup>

MR. NOTMAN.--He (Mr. N.) was not to be so melted into forgiveness and forgetfulness of the conduct of the Returning Officer, at the Oxford Election, taking an active interest therein, interrogating the electors as to the party which they supported, &c., and laying a delusion and a snare for them.<sup>67</sup>

Order, order, from COL. PRINCE.<sup>68</sup>

MR. MORIN the SPEAKER called the hon. member for Middlesex to order.<sup>68</sup>

COL. PRINCE would return the compliments paid him by the self-styled obdurate member who had spoken last, assuring him that he thought otherwise of his unforgiving disposition.<sup>70</sup>

MR. RICHARDS reminded the House that Mr. Vansittart had to appear in compliance with his own petition to be allowed to produce evidence to refute the imputations cast upon his character by the evidence given by Mr. George Brown last Session. In justice to himself therefore, an opportunity should be allowed him of exculpating himself.<sup>71</sup>

SIR A. MACNAB persisted in objecting to the course sought to be adopted towards Mr. V., and maintaining that it was fraught with the worst of dangers, and would prove a mischievous precedent in the future proceedings of that House, in connection with contested Elections.<sup>72</sup>

The motion of Mr. Baldwin was put from the Chair and carried.<sup>73</sup>

(10)

*On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Price,*

*Oxford Election. Ordered, That the Order of the twenty-second March last, for the attendance of John George Vansittart, Esquire, Returning Officer for the County of Oxford at the last General Election, at the Bar of this House, on the fourth day of the present Session, be discharged.*

*Ordered, That the time granted to the said John George Vansittart, Esquire, to produce evidence in relation to his conduct at the said Election, be extended to Monday next; and that he do attend at Bar of this House on that day.*



*Then, on motion of the Honorable Mr. Attorney General Baldwin, second-  
ed by the Honorable Mr. Attorney General LaFontaine,  
The House adjourned until Monday next.*

APPENDIX: 19 JANUARY 1849.

((NOTICE OF MOTION RE: RAILWAYS.))<sup>74</sup>

MR. CAYLEY gave notice of a motion relative to Railways.<sup>75</sup>

((NOTICE OF MOTION RE: AMNESTY FOR REBELLION PRISONERS; AND  
COMMERCIAL RELATIONS BETWEEN GREAT BRITAIN AND CANADA.))<sup>76</sup>

SIR A. MACNAB gave notice of two motions relative to the amnesty of political offenders in 1837 and 1838, and the Commercial relations of Great Britain and Canada.<sup>77</sup>

((NOTICE RE: UNSPECIFIED MOTIONS.))<sup>78</sup>

COL. PRINCE gave notice of certain motions the words of which we could not catch.<sup>79</sup>

((NOTICE OF BILL RE: AGRICULTURAL RECIPROCITY WITH UNITED  
STATES.))<sup>80</sup>

MR. PRES. EX. COUN. MERRITT gave notice of a Bill for reciprocity of trade in agricultural produce with the United States.<sup>80</sup>

((NOTICE OF MOTION RE: TOWN LOTS IN CORNWALL.))<sup>82</sup>

MR. MCLEAN gave notice of some motions relative to town lots in Cornwall.<sup>83</sup>

((NOTICE OF BILLS RE: EXEMPTION FROM ARREST IN LOWER CANADA  
OF UPPER CANADIAN RESIDENTS; AND OF ABOLITION OF IMPRISONMENT  
FOR DEBT.))<sup>84</sup>

MR. BADGLEY gave notice of his intention to introduce Bills, to exempt persons residing in Upper Canada from arrest in Lower Canada, and for the abolition of Imprisonment for Debt in Lower Canada.<sup>85</sup>

((NOTICE OF BILL RE: PUNISHMENT OF WAREHOUSE MEN FOR  
STEALING.))<sup>86</sup>

MR. HOLMES gave notice of a Bill to punish warehouse men taking fraudulent possession of goods and disposing of them.<sup>87</sup>

((NOTICE OF BILL RE: LAND HELD IN FREE AND COMMON SOCCAGE.))<sup>88</sup>

MR. SOL. GEN. DRUMMOND gave notice of his intention to introduce a Bill to remove doubts as to the Act of Lower Canada, 9 Geo. IV., 77, relating to lands in Lower Canada holden in Free and Common Soccage.<sup>89</sup>

((NOTICE OF BILL RE: AMENDMENT OF LIBEL LAW.))<sup>90</sup>

COL. GUGY gave notice of his intention to beg leave to introduce a Bill for amending the Law relative to Libel and Slander.--(Hear, hear, and laughter.)<sup>91</sup>

((NOTICE OF BILL RE: ELECTIONS.))

MR. AT. GEN. LAFONTAINE ((a donné avis d'une motion)) au sujet d'un projet de loi sur les élections.<sup>92</sup>



FOOTNOTES: 19 JANUARY 1849.

1. The debate on this matter was reported by: L'AVENIR, 20 January 1849; PROVINCIALIST, 25 January 1849, STANSTEAD JOURNAL, 24 January 1849, BATHURST COURIER, 26 January 1849, and PRINCE EDWARD GAZETTE, 26 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source, in identical accounts; PILOT, 22 January 1849, BROCKVILLE RECORDER, 25 January 1849, which acknowledged PILOT, 22 January 1849, as its source, BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, and ST. CATHARINES JOURNAL, 17 February 1849, in identical accounts; and HAMILTON SPECTATOR, 27 January 1849, GLOBE, 24 January 1849, which acknowledged BATHURST COURIER as its source, and MONTREAL GAZETTE, 22 January 1849, in identical accounts. LA MINERVE, 22 January 1849, noted the debate.
2. PILOT, 22 January 1849.
3. MONTREAL GAZETTE, 22 January 1849.
4. PILOT, 22 January 1849.
5. MONTREAL GAZETTE, 22 January 1849.
6. L'AVENIR, 20 January 1849.
7. PILOT, 22 January 1849.
8. IBID.
9. L'AVENIR, 20 January 1849.
10. PILOT, 22 January 1849.
11. IBID.
12. BATHURST COURIER, 26 January 1849.
13. PILOT, 22 January 1849.
14. BATHURST COURIER, 26 January 1849.
15. PILOT, 22 January 1849.
16. BATHURST COURIER, 26 January 1849.
17. PILOT, 22 January 1849.
18. MONTREAL GAZETTE, 22 January 1849.
19. IBID.
20. The debate on this matter was reported by: MONTREAL GAZETTE, 22 January 1849, GLOBE, 24 January 1849, which acknowledged its source as BATHURST COURIER, and HAMILTON SPECTATOR, 27 January 1849, in identical accounts.
21. MONTREAL GAZETTE, 22 January 1849.
22. The debate on this matter was reported by: L'AVENIR, 20 January 1849; PROVINCIALIST, 29 January 1849, PILOT, 22 January 1849, BROCKVILLE RECORDER, 25 January 1849, which acknowledged PILOT, 22 January 1849, as its source, BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, and ST. CATHARINES JOURNAL, 17 February 1849, in identical accounts; MONTREAL GAZETTE, 22 January 1849, GLOBE, 24 January 1849, which acknowledged BATHURST COURIER as its source, and HAMILTON SPECTATOR, 27 January 1849, in identical accounts; and STANSTEAD JOURNAL, 24 January 1849, whose account was abbreviated, PROVINCIALIST, 25 January 1849, BATHURST COURIER, 26 January 1849, and PRINCE EDWARD GAZETTE, 26 January 1849, in identical accounts.

- LA MINERVE, 22 January 1849, GLOBE, 27 January 1849, and MORNING CHRONICLE, 22 January 1849, noted the debate. Commentaries may be found in PROVINCIALIST, 29 January 1849; PILOT, 22 January 1849; and BROCKVILLE RECORDER, 25 January 1849, which acknowledged PILOT 22 January 1849, as its source.
23. L'AVENIR, 20 January 1849.
  24. MONTREAL GAZETTE, 22 January 1849.
  25. IBID.
  26. IBID.
  27. BATHURST COURIER, 26 January 1849.
  28. MONTREAL GAZETTE, 22 January 1849.
  29. BATHURST COURIER, 26 January 1849.
  30. MONTREAL GAZETTE, 22 January 1849.
  31. IBID.
  32. BATHURST COURIER, 26 January 1849.
  33. PILOT, 22 January 1849.
  34. IBID.
  35. BATHURST COURIER, 26 January 1849.
  36. MONTREAL GAZETTE, 22 January 1849.
  37. IBID.
  38. IBID.
  39. BATHURST COURIER, 26 January 1849.
  40. MONTREAL GAZETTE, 22 January 1849.
  41. BATHURST COURIER, 26 January 1849.
  42. MONTREAL GAZETTE, 22 January 1849.
  43. PILOT, 22 January 1849.
  44. MONTREAL GAZETTE, 22 January 1849.
  45. PILOT, 22 January 1849.
  46. MONTREAL GAZETTE, 22 January 1849.
  47. BATHURST COURIER, 26 January 1849.
  48. MONTREAL GAZETTE, 22 January 1849.
  49. PILOT, 22 January 1849.
  50. IBID.
  51. BATHURST COURIER, 26 January 1849.
  52. PILOT, 22 January 1849.
  53. BATHURST COURIER, 26 January 1849.
  54. PILOT, 22 January 1849.
  55. BATHURST COURIER, 26 January 1849.
  56. MONTREAL GAZETTE, 22 January 1849.
  57. BATHURST COURIER, 26 January 1849.
  58. PILOT, 22 January 1849.
  59. BATHURST COURIER, 26 January 1849.
  60. MONTREAL GAZETTE, 22 January 1849.
  61. BATHURST COURIER, 26 January 1849.
  62. MONTREAL GAZETTE, 22 January 1849.
  63. IBID.
  64. BATHURST COURIER, 26 January 1849.
  65. IBID.
  66. IBID.
  67. MONTREAL GAZETTE, 22 January 1849.
  68. IBID.
  69. IBID.

70. IBID.
71. PILOT, 22 January 1849.
72. MONTREAL GAZETTE, 22 January 1849.
73. IBID.
74. The debate on this matter was reported by: PILOT, 22 January 1849, copied by BROCKVILLE RECORDER, 25 January 1849, BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, and ST. CATHARINES JOURNAL, 1 February 1849, in identical accounts.
75. PILOT, 22 January 1849.
76. The debate on this matter was reported by: PILOT, 22 January 1849, copied by BROCKVILLE RECORDER, 25 January 1849, BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, and ST. CATHARINES JOURNAL, 1 February 1849, in identical accounts.
77. PILOT, 22 January 1849.
78. The debate on this matter was reported by: PILOT, 22 January 1849, copied by BROCKVILLE RECORDER, 25 January 1849, BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, and ST. CATHARINES JOURNAL, 1 February 1849, in identical accounts.
79. PILOT, 22 January 1849.
80. The debate on this matter was reported by: LA MINERVE, 22 January 1849; PILOT, 22 January 1849, copied by BROCKVILLE RECORDER, 25 January 1849, and BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, in identical accounts.
81. PILOT, 22 January 1849.
82. The debate on this matter was reported by: PILOT, 22 January 1849, copied by BROCKVILLE RECORDER, 25 January 1849, and BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, in identical accounts.
83. PILOT, 22 January 1849.
84. The debate on this matter was reported by: BATHURST COURIER, 26, January 1849, STANSTEAD JOURNAL, 24 January 1849, PROVINCIALIST, 25 January 1849, and PRINCE EDWARD GAZETTE, 26 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source, in identical accounts; PILOT, 22 January 1849, copied by BROCKVILLE RECORDER, 25 January 1849, BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, in identical accounts; MONTREAL GAZETTE, 22 January 1849, HAMILTON SPECTATOR, 27 January 1849, and GLOBE, 24 January 1849, which acknowledged BATHURST COURIER as its source, in identical accounts; L'AVENIR, 20 January 1849, and LA MINERVE, 22 January 1849.
85. MONTREAL GAZETTE, 22 January 1849.
86. The debate on this matter was reported by: PILOT, 22 January 1849, copied by BROCKVILLE RECORDER, 25 January 1849, and BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, in identical accounts.
87. PILOT, 22 January 1849.
88. The debate on this matter was reported by: L'AVENIR, 20 January 1849; BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER



and MONTREAL HERALD as its sources, MONTREAL GAZETTE, 22 January 1849, BATHURST COURIER, 26 January 1849, STANSTEAD JOURNAL, 24 January 1849, HAMILTON SPECTATOR, 27 January 1849, GLOBE, 24 January 1849, which acknowledged BATHURST COURIER as its sources, PROVINCIALIST, 25 January, 1849, and PRINCE EDWARD GAZETTE, 26 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source, all in identical accounts.

89. MONTREAL GAZETTE, 22 January 1849.

90. The debate on this matter was reported by: PROVINCIALIST, 25 January 1849, STANSTEAD JOURNAL, 24 January 1849, BATHURST COURIER, 26 January 1849, and PRINCE EDWARD GAZETTE, 26 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source, in identical accounts; BRITISH COLONIST, 26 January 1849, which acknowledged BATHURST COURIER and MONTREAL HERALD as its sources, GLOBE, 24 January 1849, which acknowledged BATHURST COURIER as its source, HAMILTON SPECTATOR, 27 January 1849, and MONTREAL GAZETTE, 22 January 1849, reported the debate in identical accounts.

91. MONTREAL GAZETTE, 22 January 1849.

92. L'AVENIR, 20 January 1849.

MONDAY, 22 JANUARY 1849.

(10)

Mr. Laterrière  
takes his seat.

THE Honorable Marc Paschal de Sales Laterrière, Member for the County of Saguenay, having previously taken the Oath, according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the Table.

By Mr. Thompson,--The Petition of Abraham Nash and others, of the Township of Cayuga, District of Niagara; the Petition of the President, Directors, and Company of the Gore Bank; and the Petition of John Jones and others, of the Township of Walpole.

By Mr. M'Lean,--The Petition of Adam Cockburn and others, of Finch, and the adjoining Townships.

By the Honorable Mr. Cameron, of Kent,--The Petition of John E. W. Daly, Esquire, and others, of North Easthope and other Townships, in the County and District of Huron, and of others of the Government Lands not north of the eastern section of the said District.

By Mr. Duchesnay,--The Petition of G. O. Stuart, Esquire, and others, of the City of Quebec, and of the Counties of Quebec and Portneuf.

By Mr. M'Farland,--The Petition of Alexander Douglas and others, of the District of Niagara; and the Petition of Charles Park and others, of the vicinity of the Welland River and the Welland Canal, District of Niagara.

By Mr. Fortier,--The Petition of the Corporation of the College of Nicolet.

By Sir Allan N. MacNab,--The Petition of Hugh C. Baker, Esquire, President, and others the Vice-President and Directors of the Canada Life Assurance Company.

By Mr. Smith, of Wentworth,--The Petition of Alfred Digby and others of Brantford and other Townships.

By Mr. Wetenhall,--The Petition of the Trafalgar, Esquesing, and Erin Road Company.

By Mr. Fournier,--The Petition of F. X. Fournier and others, of the Parish of Saint Jean Port Joli.

By Mr. Polette,--The Petition of Mrs. Julie Angélique Badeaux, of the Town of Three Rivers, widow of the late Louis Charles Cressé, Esquire.

By Mr. Morrison,--The Petition of the Municipal Council of the Home District (Boundary Lines.)

By Mr. DeWitt,--The Petition of Robert Barrie and others, of the western division of Hinchinbrooke and Godmanchester; the Petition of Fisher Ames and others, of the County of Beauharnois, and the Petition of M. A. Primeau and A. A. Trottier, of the County of Beauharnois.

By Mr. Egan,--The Petition of Peter Ayleen and others, of the County of Ottawa; and the Petition of James Wadsworth and others, of the County Ottawa.

By Mr. Cauchon,--The Petition of the Municipal Council of Rimouski (Court House and Gaol;) the Petition of N. M'Farlane and others, of the Fief Marie Anne, District of Three Rivers; and the Petition of Joseph Smolinski, of Montreal.

By Mr. Dumas,--The Petition of Alexandre M. Delisle and B. H. LeMoine, of the City of Montreal, Esquires, and of Jean Bte. Debien, junior, of the Parish of Ste. Rose, in the District of Montreal.

By Mr. Davignon,--The Petition of J. A. C. Marchand and others, of the Counties of Chambly, Rouville, and Huntingdon.

By the Honorable Mr. Sherwood,--The Petition of the Right Reverend the Lord Bishop of Toronto, and others subscribers to the Toronto

(11)

General Dispensary Fund.

By Mr. Jobin,--The Petition of the Sisters of the Holy Cross of the Parish of St. Laurent, County of Montreal.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Adam J. Fergusson, Esquire, and others, Electors of the County of Waterloo; setting forth:--That at the late Election in and for the County of Waterloo, of a Member to represent the said County in this Parliament, James Webster, Esquire, and the Petitioner, Adam Johnston Fergusson, were the candidates; and that the other Petitioners are, and at the time of the said Election were Electors of the said County, having a right to vote at the Election to which this Petition relates, and that they voted for the said Adam Johnston Fergusson at the said Election: That at the said Election the said James Webster was declared and returned as duly elected by the Returning Officer, on which occasion the said Adam Johnston Fergusson tendered to the said Returning Officer a written protest against the Return of the said James Webster, which protest the said Returning Officer refused to receive: That the Petitioners have good reason to believe, and verily do believe, that a large majority of legal votes was recorded at the said Election in favor of the said Adam Johnston Fergusson, and that the majority of the said James Webster is only a colorable one, being composed of persons not entitled to the Franchise: That Polls were held at the said Election in the Townships of Arthur, Normanby, Egremont, Bentinck, Glenelg, Sullivan, Holland, Derby, and Sydenham, which are situated in the extensive and newly settled territory commonly known as the Owen's Sound Tract, and that vast numbers of votes were recorded in these Townships for the said James Webster, whereby the large majority obtained by the said Adam Johnston Fergusson in the old-settled portion of the County, was overborne and out-numbered: That the Petitioners have reason to believe, and verily do believe, that great numbers of patents from the Crown were issued to inhabitants of these Townships immediately before the said Election, and for the express purpose of influencing the said Election in favor of the said James Webster: That the Petitioners have also reason to believe, and verily do believe, that a very great proportion of the persons who voted for the said James Webster, in those Townships, at the said Election, were not freeholders at the time of voting, and that the lands in right of



which they were allowed to vote, were at the time vested in the Crown, no patents having ever issued therefor: That in the said Townships, no free, orderly, or peaceable Election was held on the said occasion; but, on the contrary, a general scene of outrage, intimidation and violence prevailed: That the most fearful threats, attended in some cases by actual violence, were offered to the supporters of the said Adam Johnston Fergusson in the said Townships, by the supporters of the said James Webster, whereby the former were, almost without exception, deterred and prevented from voting for the said Adam Johnston Fergusson, as they would otherwise have done: That the agents of the said Adam Johnston Fergusson in four of the said Townships, were seized, at the said Election, by the supporters of the said James Webster, and forcibly carried off and imprisoned by them; so that the said agents were unable to be present at the respective Polls which they had been appointed to attend, and the said Adam Johnston Fergusson was in consequence entirely unrepresented thereat: That others of the agents of the said Adam Johnston Fergusson, in the other Townships of the said Owen's Sound Tract, were assaulted, threatened, and ill-treated by the supporters of the said James Webster, in order to prevent them from doing their duty as such agents: That the Deputy Returning Officers in all the said Townships of the Owen's Sound Tract admitted persons to vote for the said James Webster indiscriminately, and without regard to their property qualification: That the said Deputy Returning Officers, at such of the said Townships as the agents of the said Adam Johnston Fergusson were permitted to attend, generally refused to make the voters of the said James Webster swear to their freehold qualification, as required by law, though the same was expressly demanded by the agents of the said Adam Johnston Fergusson: That the said Deputy Returning Officers also refused, in many instances, to permit the said agents of the said Adam Johnston Fergusson even to ask the voters of the said James Webster whether they had deeds or not; and that many of the said voters openly admitted, at the time of voting, that they had no deeds; notwithstanding which, their votes were recorded by the said Deputy Returning Officers: That during the polling in the said Townships of the said Owen's Sound Tract, refreshments and intoxicating liquors were openly and profusely supplied to the voters at the polling places and elsewhere, by the agents and supporters of the said James Webster, for the purpose of promoting his Election; and that party flags and colors were also exhibited and used by the supporters of the said James Webster, in certain of the said Townships, at the said Election contrary to the statute in that behalf: That in the Township of Waterloo, at the said Election, the Poll was not kept open a sufficient length of time to permit of all the Electors recording their votes, whereby a very great number of the Electors in the said Township of Waterloo, who were desirous of voting for the said Adam Johnston Fergusson, were deprived of an opportunity to record their suffrages; and that, from the absence of proper arrangements for the taking of the votes there, much crowding, confusion, and unnecessary delay occurred, to the prejudice of the said Adam Johnston Fergusson, and that much time was unnecessarily wasted there on the said occasion, from the want of due despatch in going through the business of the Election, and more especially from the putting of unnecessary questions to the Electors, and the inserting

of unnecessary entries in the Poll book, to the like prejudice of the said Adam Johnston Fergusson; and praying for the above causes, that the said Election and Return of the said James Webster for the County of Waterloo, may be declared void, or amended, and that the said Adam Johnston Fergusson may be declared elected and returned in his place and stead, as the Member to represent the said County of Waterloo in this Parliament,--or if the same shall not be granted, then that a new Writ may be issued by the proper authority, for holding an Election for the said County of Waterloo,--or that the Petitioners may have such other relief in the premises, as the nature of the case requires and deserves.

Of William K. Mackenzie, of L'Orignal, in the County of Prescott, Esquire; setting forth:--That the Petitioner is, and, at the last General Election of a Representative to represent the County of Prescott in the present Parliament, was a freeholder in the said County of Prescott, and claims to have had a right to vote, and did vote, at the said General Election, wherein Donald M'Donald, Neil Stewart, and Thomas Hall Johnson, Esquires, were candidates for the representation thereof: That, at such Election, the said Thomas Hall Johnson was declared by the Returning Officer duly elected as the Representative of the said County of Prescott, by a majority of one

(12)

over the said Neil Stewart: That some of the voters, who voted for the said Thomas Hall Johnson, voted without the Township wherein the property in right of which they voted at the said Election was situated, as may be seen by a reference to the Poll Books kept at the said Election: That several of the voters who voted for the said Thomas Hall Johnson at the said Election, were not, at the time of such voting, possessed of the necessary property qualification to entitle them to vote at the said Election, in consequence of which several illegal votes were polled for the said Thomas Hall Johnson: That, in the Township of West Hawkesbury, in the said County of Prescott, where votes were polled for the said Thomas Hall Johnson, Donald M'Donald and Neil Stewart, the property in right of which such votes were given, were not (but with very few exceptions) entered in the Poll Book kept for the said Township, at the said Election; thus rendering it possible, on a scrutiny of votes, to determine who had the majority of legal votes at the Election so holden in the said Township: That an open house was kept in the said Township of West Hawkesbury on the days of the said Election, within a few acres of the hustings, where many of the voters of the said Thomas Hall Johnson were entertained with liquor, food, and beds, at (the Petitioner believes) the expense of the said Thomas Hall Johnson: That bribery, corruption, and intimidation were resorted to by the said Thomas Hall Johnson at the said Election, and that promises of place were made by the said Thomas Hall Johnson to persons who voted for him at the said Election; and praying that the House will enquire into the allegations of the Petitioner, and act in the premises in such a manner as may appear to the House consonant with law and justice; that the Return made by the Returning Officer at the said General Election be cancelled, and that a new Writ of Election be issued for the said County of Prescott.



Of T. M. Daly and others, of North Easthope and other Townships, in the County of Huron, and of the Government Lands north of the eastern section of the District of Huron; praying that the said Townships and Lands may be set apart and erected into a new District.

Of James Dougall and others, of Amherstburg and its vicinity, in the Western District; praying the adoption of Legislative measures for the suppression of Intemperance in the use of intoxicating liquors.

Of John Ireton and others, of the Township of Verulam; praying a grant of money to improve the main Road through the said Township.

Of Thomas Horner and others, of the Township of Anderdon, in the Western District; praying certain amendments to the Common School Act.

Of William Ketchum and others, of the Township of Bosanquet; praying that the said Township, with nine others therein mentioned, may be set apart and erected into separate District, with Eniskillen as the District Town.

Of John Sloan and others, of the Township of Anderdon, Western District; praying for the incorporation of Townships, Towns, Counties, and Cities of Upper Canada, according to the provisions of a Bill introduced in the third Session of the first Parliament of this Province.

Of Thomas Boyle and others, Members of the Total Abstinence Society of Malden; praying the adoption of Legislative measures for the suppression of Intemperance in the use of intoxicating liquors.

Of Messieurs J. G. Mackenzie and Company, and others, of Montreal; praying the repeal of the present Bankrupt Law, and also of the Ordinance of Lower Canada which would be revived by its expiration; and that the Common Law be left in force as to Insolvent Debtors.

Of J. C. Bachand and others, of the District of Montreal, Notarial Students; praying that the Act the "Montreal Board of Notaries" to admit them to practise the Notarial Profession.

Of the Reverend Messire St. Germain, Curé of the Parish of St. Laurent, County of Montreal; praying that he and others be incorporated as "La Corporation de l'Académie Industrielle de Saint Laurent."

Of the Reverend David Gibbs, and others, of Granby and vicinity; praying aid for an Academy recently established in the village of Granby.

Of J. Bte. Cadieux de Courville, of the Township of Orford; praying compensation for certain losses sustained by him in consequence of the making of a Turnpike Road through his property.

Of John Burwell, of Port Burwell, Esquire; praying a grant for the improvement of Port Burwell Harbour, on Lake Erie.

Of William H. LeMoine, Esquire, and others, of Côte de Beaupré, County of Montmorency; praying that the Commissioners of the Quebec Turnpike Trust may be authorized to borrow a sum of money for the improvement of the Beauport Road.

Of William Goodem and others, of the northern Townships of the County of Kent; praying that the said Townships may be set apart and erected into a new District, and that they may continue annexed to the Western District until their population shall warrant such division.

Of Froome Talfourd, Esquire, and others of the northern Townships of the County of Kent; praying that the said Townships may be set apart and



erected into a new District, and that they may continue annexed to the Western District until their population shall warrant such division.

Of James Bowie, of the City of Montreal, Physician; praying remuneration for extraordinary services rendered, and property lost by him at the Emigrant Sheds, during the season of 1847.

Of Joseph Ouimette and others, of St. Eustache and other Parishes, in the County of Two Mountains; praying for the passing of an Act to authorize them to appoint a certain number of Commissioners or Trustees for the purpose of causing to be made a Canal or Water-course for draining the lands flooded by the River du Chêne.

Of the Reverend James Jones and others, of the Township of Stanbridge, District of Montreal; praying aid in support of an Academical School established in the Village of Bedford.

Of William Benson and others, of the Township of Dunwich, District of London; praying that a certain sum due to the said William Benson, for his services as a Common School Teacher, may be paid him.

Of Benjamin Paine and others, of the Township of Delaware, District of London; praying for the passing of an Act to establish the Boundary Line between the second and third Concessions of the said Township.

Of the Reverend Charles Begin and others, of the Parish of Rivière Ouelle and vicinity; praying a grant to enable them to enlarge the Building erected in the said Parish as a School for the education of young ladies.

Of Thomas C. Lee and others, of the City of Quebec, and others interested in the Shipping frequenting the port of Quebec; praying for the repeal of the Provincial Act for regulating the shipping of Seamen,-- and that measures be adopted for obtaining the amendment of the Imperial Statue 7 & 8 Vic. c. 112.

Of the Reverend T. Smith and others, Roman Catholics of Upper Canada; praying that provision be made for the College of Regiopolis at Kingston,

(13)

commensurate with the wants of the Roman Catholic population of the Province.<sup>1</sup>

Of J. P. Pacaud and others, of Arthabaska and other Townships; praying aid to complete the Road from the Church of Arthabaska to that of Somerset.

Of Jean Gaulette and others, of Stanfold and other Townships; praying aid to improve the Route commonly called La Grande Route de Blandford.

Of Joseph Richard Thompson, of the Township of Brock, Home District praying for the passing of an Act to authorize the Courts of Chancery and Queen's Bench, in their discretion, to admit him to practise as a Solicitor and Attorney.

Of Archibald Thompson and others, of the Township of Stamford, District of Niagara; praying that a Charter may not be granted to any local Company for constructing a Railway from the Suspension Bridge on the Niagara River, to Table Rock at the Falls of Niagara.

Of Robert Hobson and others, District Councillors and Magistrates of the District of Niagara; praying that the District Town of the said District may be removed to a more convenient site, at the option of the District Council.

Of Charles Park and others, of the District of Niagara; praying that the District Town of the said District may be removed to a more convenient site.

Of Solomon Doan and others, of the Township of Crowland, District of Niagara; praying that the District Town of the said District may be removed to a more central site, to be chosen by the District Council.

Of the Reverend Messire Charland and others, of St. Clément and other Parishes, County of Beauharnois; praying that the Registry Office and the Circuit Court of the said County may be established and held in the Village of Beauharnois.

Of William Bagshaw and others, of the Township of Brock, Home District; praying that the division of the said District, intended to be proposed, may not be granted.

Of Patrick Finn and others, Trustees of the Roman Catholic separate School of the Town of Niagara; praying that the Common School Act may be amended by providing for a more equitable apportionment of the School Fund.

Of L. Duvernay and others, Proprietors of Newspapers in the City of Montreal; praying the House to take means to facilitate the publication of its daily Proceedings.

Of Joseph Meagher, Esquire, and others, of the Township of La Nouvelle, County of Bonaventure; praying that the said Township may be laid out and subdivided, in order that its boundaries may be clearly defined for facilitating purchases and securing possession therein.

Of J. Douglas, Esquire, and others, of the City of Quebec; praying that the commutation of lands held en roture in that City into free and common soccage, may be rendered compulsory upon the Seigneur, at the option of the Cénsitaire.

Of James Cormier and others, of the Magdalen Islands; praying the abolition of the Custom House and Circuit Courts on the said Islands, and for certain alterations in their Rents.

Of Archibald Norman and others, of the District of Gaspé; praying that free grants of land be made ten miles apart on the Metis or Kempt Road, with an annual allowance, to encourage persons to settle on the same, for the purpose of keeping the said Road open; and recommending to the consideration of the House Thomas Evans, of Assemetquagan River, and John Low, of Lake Matapedia, for their zeal and benevolence upon the said Road.

MR. NOTMAN made a motion for the reading of the journals relative to the petition against the return of James Webster, Esq., for the County of Waterloo.<sup>2</sup>

SIR A. MACNAB objected to the motion being made without previous notice having been given.<sup>3</sup>

MR. MORIN the SPEAKER decided in favour of the objection, and directed the question to stand as a notice for this day.

MR. NOTMAN then moved, seconded by MR. WETENHALL that the petition against the return of Mr. Webster be taken into consideration on Monday, the 5th February.<sup>5</sup>



(13)

On motion of Mr. Notman, seconded by Mr. Wetenhall,

Waterloo  
Election.

Ordered, That the Petition of Adam J. Fergusson, Esquire, and others, Electors of the County of Waterloo, complaining of the undue Election and Return of James Webster, Esquire, as a Member to represent the said County of Waterloo in the present Parliament, be taken into consideration by this House, on Monday, the fifth day of February next, at the hour of four o'clock, P. M.; and that notice to that effect, in writing, be forthwith given by Mr. Speaker to the Petitioners, their Counsel or Agent, and to the sitting Member, according to the provisions of the second clause of an Act passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty, George the Fourth, chapter four.

Petition of  
R. Hobson  
and others;

Resolved, That the Petition of Robert Hobson and others, District Councillors and Magistrates of the District of Niagara, be referred to a Select Committee, composed of Mr. M'Farland, Mr. Thompson, Mr. Cauchon, Mr. Hall, Mr. Notman, Mr. Armstrong, Mr. Smith, of Wentworth, and Mr. Morrison, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of C. Park  
and others,  
referred.

Ordered, That the Petition of Charles Park and others, of the District of Niagara; and the Petition of Solomon Doan and others, of the Township of Crowland, District of Niagara, be referred to the said Committee.

Cornwall  
Election.

Mr. Richards, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, reported, That pursuant to adjournment, the Committee met on Saturday last at twelve o'clock, noon, and having waited for one hour, they were unable to proceed to business in consequence of the absence of Mr. Egan, Mr. Dumas, Mr. M'Connell, Mr. Chauveau, Mr. Marquis, Mr. Stevenson, Mr. Sauvageau, and Mr. Mongenais, members of the Committee; also, that the Committee met this day at the same hour, and were unable to proceed to business, in consequence of the continued absence of Mr. Chauveau, Mr. Egan, Mr. Mongenais, Mr. Marquis, Mr. Sauvageau, and Mr. Stevenson, members of the Committee.

Ordered, That Mr. Egan, Mr. Dumas, Mr. M'Connell, Mr. Chauveau, Mr. Marquis, Mr. Stevenson, Mr. Sauvageau, and Mr. Mongenais, do severally attend in their places in this House, to-morrow.

Laws of  
Patents Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to consolidate and amend the Laws of Patents for Inventions in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.



Law of Evidence Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to improve the Law of Evidence, and to abolish unnecessary Oaths.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Standing Committees to be appointed.

Resolved, That Select Standing Committees of this House, for the present Session, be appointed for the following purposes:--

(14)

- 1.--ON PRIVILEGES AND ELECTIONS,
- 2.--ON EXPIRING LAWS,
- 3.--ON RAILROAD AND TELEGRAPH LINE BILLS,
- 4.--ON ROAD AND BRIDGE BILLS,
- 5.--ON MISCELLANEOUS PRIVATE BILLS,
- 6.--ON STANDING ORDERS,
- 7.--ON PRINTING,
- 8.--ON CONTINGENCIES,

which said Committees shall severally be empowered to examine and enquire into such matters and things as may be referred to them by the House, and to report from time to time their observations and opinions thereon; with power to send for persons, papers, and records.

Committee to prepare Lists.

Resolved, That a Select Committee of eleven Members be appointed to prepare and report with all convenient speed, Lists of Members to compose the said Standing Committees ordered by this House; and that the said Committee be composed of the Honorable Mr. Attorney General Baldwin, Mr. Bouthillier, Mr. Cauchon, Mr. Christie, Mr. Dumas, Mr. Hall, Mr. Macdonald, of Glengarry, the Honorable Mr. Macdonald, Sir Allan N. MacNab, Mr. M'Connell, and Mr. Richards.

COL. GUGY.--<sup>6</sup> Je demande la permission de présenter un projet de loi au sujet des libelles.<sup>7</sup>

(14)

Libel Law Bill.

Ordered, That Mr. Gugy have leave to bring in a Bill to amend the Law respecting Libel.

He accordingly presented the said Bill to the House,

COL. GUGY.--Ce projet de loi est basé sur la loi de Lord Campbell en Angleterre et a pour but<sup>8</sup> to regulate what was styled the liberty of the Press, and to secure the public from publications tending to hurt the feelings of others in the absence of a justification, on the ground of patriotism, &c.<sup>9</sup>. Il contient aussi une clause de la loi française, imposant<sup>10</sup> on the publishers &c., the onus of establishing such facts, and the obligation of giving the replies of the party attacked, and providing penalties for neglect in this particular.<sup>11</sup>

(14)

and the same was received and read for the first time; and ordered to be read a second time, on Monday Next.

Amnesty.

*Sir Allan N. MacNab moved, seconded by the Honorable Mr. Robinson, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying, he will be pleased to lay before this House, copies of all Correspondence between the Home Government and His Excellency relative to the proposed Amnesty for political offences committed in this Country, in the years 1837 and 1838.*<sup>12</sup>

SIR A. MACNAB moved an address to His Excellency praying for any correspondence that might have taken place with the home government relative to the proposed amnesty for political offenders. He believed this was the first time the house had been called on to assist the Queen in the exercise of her prerogative and he hoped therefore the hon. gentleman opposite would be ready to give every information on the subject.<sup>13</sup>

Seconded by MR. ROBINSON.<sup>14</sup>

MR. AT. GEN. BALDWIN was surprised at this motion, coming as it did from the hon. and gallant knight. The exercise of the Prerogative was, he believed, given particularly to the Crown, but when the Crown invited both Houses of Parliament to give effect to its gracious intentions, it was indeed unusual to receive the intimation, in such a manner as this. He reminded the House that it was still more their duty to respond promptly and readily to the gracious message from the Throne, because of the addresses on this subject, presented to Her Majesty by the House in 1841 and 1844.<sup>15</sup> In 1844 the House had agreed whenever Her Majesty was pleased to exercise her prerogative in favor of the political offenders in the unhappy rebellion of 1837 and '38, and now that Her Majesty had been graciously pleased to exercise that prerogative, he thought it would be very ungenerous to make any pause, or even to make the slightest objection<sup>16</sup>. He likewise denied that here (sic) members had any right to expect the confidential communications between the Home Government, and the Representatives of the Sovereign, to be laid before the House<sup>17</sup>. It might be thought such a request would be granted as a matter of course--such an idea was quite unfounded. Honorable members might as well ask for the persual of any or all the confidential communications passed between His Excellency and his advisers, by whatever action they took, they were responsible. He was sure that when the gallant Knight thus attempted to nullify the royal clemency, he would stand alone.<sup>18</sup> He should oppose the motion, which he regarded as unreasonable and unprecedented, and he felt convinced that the hon. and gallant knight would, on reflection, perceive the impropriety of the course he was pursuing.<sup>19</sup>

COL. PRINCE had never voted with more pleasure for a motion than for that of the late Mr. Neilson, at Kingston, referred to by Mr. Baldwin. But all the misguided men who were then in Parliament had been returned except Mr. Lyon McKenzie.<sup>20</sup> Why should this be? why should they act specially for the benefit of him? why was he excluded from that grant of mercy heretofore given by the Crown? if not that the Crown considered him unworthy of such indulgence, and a direct opposition to this feeling was now evinced by the Ministers.<sup>21</sup> There must be something hid from the House in this matter--some reluctance on the part of the

Crown, which it was necessary to overcome by this act of the House, which made him desirous to see the correspondence on the subject.<sup>22</sup> With regard to the Address read by the Attorney General West, from the journals, he did not bind the House to adopt any legislation, as now proposed, but only as an earnest of the benevolent feelings of the House on the subject there treated--a response to the sentiments of the Crown. He must oppose any measure intending to restore such men back to the footing of good citizens.<sup>23</sup>

MR. PAPINEAU would willingly vote for a Bill to bring back an unhappy man; but in this case the Ministry appeared in an inexplicable light, for the prerogative of the Crown would be sufficient to admit him and many other persons. He asked for the correspondence between the local and the Imperial Government, and he asked what objections there could be to grant it. The House was the great Council of the Sovereign: not the little Council; not the Executive Council. It had the right to this kind of information more than any other body, unless in case the information should be said to be injurious to the public service. This kind of concealment could only arise from a system of corruption; for here there were none of those causes arising out of foreign alliances which occurred sometimes in independent legislatures;<sup>24</sup> he hoped the Hon. Member for Hamilton would insist on his motion.<sup>25</sup>

MR. AT. GEN. LAFONTAINE.--Je regrette que l'honorable monsieur qui vient de s'asseoir, n'ait pas été fidèle à la première partie<sup>26</sup> of his remarks.<sup>27</sup> M. Papineau ... devait avoir entendu les arguments de l'hon. M. Baldwin. Il n'y avait pas répondu.<sup>28</sup> S'il a des craintes, il peut les garder pour lui: nous n'avons pas pour tâche de les dissiper. Mais nous ne craignons pas de repousser ces accusations quand il dit: veut-on nous cacher quelque chose? y aurait-il par hasard, dans ces correspondances, quelque chose qui put faire rougir certaines personnes? je n'ai qu'un seul moyen de lui répondre.<sup>29</sup> Le ministère libéral, ajouta M. LaFontaine, ne s'entoure pas de mystère. Il agit avec franchise et loyauté.<sup>30</sup> Que l'honorable membre lise l'adresse de 1844, il verra qu'elle n'a été adoptée que sur ma proposition. Son attaque est donc aussi frivole que mal placée. Ce fait-là seul M. l'orateur, ne prouve-t-il pas suffisamment que le retour de l'honorable membre lui-même est dû à notre administration, ne doit-il pas le convaincre que si nous avons persisté à obtenir une amnistie générale ce n'était pas seulement pour pouvoir nous présenter devant le pays avec ce mérite. Il n'a aucune raison d'insinuer que ce mérite appartient à d'autres.

Il a dit que ce pardon pouvait avoir lieu, se donner sans un acte du parlement à cet effet. Pourquoi donc a-t-on adopté le bill de 1844. L'honorable membre ignore-t-il qu'il faut absolument un bill; qu'il y a des personnes qui sont frappées d'attaîner, de corruption du sang et qu'il faut un acte exprès pour l'annuler, le faire disparaître.<sup>31</sup> Was the hon. member so ignorant as not to know, that under the English Criminal Law,<sup>32</sup> if faut un acte du parlement pour rétablir ces personnes dans leurs droits, dans la jouissance de leurs biens qui ont été confisqués? Je crois qu'il aurait mieux rempli son devoir, qu'il eut agi avec plus de prudence et de sagesse s'il eut attendu pour se plaindre qu'il eut vu notre bill.<sup>33</sup> He had only to look at the Journals



of the English and Irish Parliaments, to see the necessity for such an act as the Ministry intended to bring in.<sup>34</sup> Pourquoi donc ne pas suivre la même règle, , adopter la même conduite en Canada?<sup>35</sup> Je puis lui dire en terminant que, s'il y avait eu chez nous du mystère, il ne serait peut-être pas où il est aujourd'hui. Il serait peut-être en exil.<sup>36</sup>

COL. GUGY.--Je suis aussi heureux que qui que ce soit de voir une amnistie accordée aux personnes qui ont souffertes par suite des troubles de 37. J'approuve de cette mesure.<sup>37</sup> Besides the persons now in banishment, there were others who had sadly suffered in their endeavours to defend those institutions which now all were unanimous in sustaining. What was to repay the soldier who then bravely volunteered--what the inhabitant, forced to leave his bed and house in the dead of night, by troubles which took place in all parts of the country?--Such persons as these ought to be commiserated as much as the guilty. He thought, then, the correspondence might perhaps contain some expression of desire on the part of the Crown to make some recompense to this class for their sufferings in its service, and he would like to see if it did. --It appeared to him such a bill as this should contain some means of compensating those who had lost their natural defenders. All parties should have the right to return to their country: but he could not help having some respect for those who had suffered for the misfortune of being loyal<sup>38</sup> and who, while the guilty had been overlooked, had been passed over in oblivion of their service.<sup>39</sup>

M. CAUCHON.--M. l'orateur, lorsque j'ai entendu du trône (sic) énoncer que tous les hommes tant ceux qui étaient coupables que ceux qui ne l'étaient pas, auraient droit dorénavant de revoir la patrie, de rentrer après une si longue absence au sein de leurs familles, je croyais que toutes les voix seraient unanimes pour remercier la voix qui l'annonçait et qu'il n'y aurait pas un seul homme qui aurait élevé la voix pour le blâmer! Cependant il y a eu un homme, oui il y a eu un homme qui l'a fait quand tout le pays l'admirait. Il y a eu un homme qui a osé dire que ce n'était pas un acte méritoire, un acte digne d'admiration et de reconnaissance: cet homme, messieurs, c'est le représentant du comté de Saint Maurice, c'est l'honorable Louis Joseph Papineau. Il a dit qu'il ne voulait pas réveiller le passé. C'est lui pourtant qui réveille le souvenir des malheureux événements de 37, événements déplorables dont il a été la cause principale. C'est lui, tout le monde le reconnaît, qui a amené sur le pays ces jours de tristesse et de deuil. Il a fait fondre sur nos têtes des milliers de maux sans néanmoins, en porter la responsabilité morale ou autre. Et maintenant, il veut décrier ceux qui veulent guérir les plaies de la patrie, les blessures qu'il lui a infligées. Lui qui devrait surtout se taire, lui qui a moins intérêt que qui que soit à parler, il vient décrier des hommes à qui il doit son retour dans la patrie; il devrait être le dernier à accuser. Y a-t-il donc du patriotisme à repétisser les hommes de son pays, à dénigrer ses compatriotes, à vouloir se croire seul grand, seul capable, seul bon, seul puissant?

Je dis donc encore une fois est-il bien, est-il convenable, n'est-ce pas pénible au contraire que le représentant pour le comté de St.-Maurice nous ramène sans cesse vers le passé? S'il a forcé ceux qui voulaient

le recevoir comme ami à rappeler le passé, y a-t-il de notre faute? C'est lui qui a poussé la presse, ainsi que nos hommes publics dans cette voie dans laquelle ils ont regretté de se voir embarqués malgré eux.

J'étais porté à croire que l'honorable monsieur, après les maux désolants qu'il a provoqués, garderait le silence sur un pareil sujet, quand surtout il est question de rappeler dans le pays des hommes qui sont exilés. Il me semblait que tout le monde devait être content et qu'on choisirait un autre moment pour faire connaître son mécontentement; que quand il était question d'une amnistie sans restriction, on ne devait pas rentrer dans les détails d'une semblable mesure, pour jeter du mécontentement, pour répandre la méfiance dans le pays. Si l'honorable membre était aujourd'hui à votre place, monsieur l'orateur, je suis persuadé que nous n'aurions pas en ce moment à nous plaindre de lui.

Je regrette qu'il nous ait poussés dans cette discussion; de semblables luttes ne peuvent pas faire le bien du pays. Il pouvait penser comme il l'entendait, mais il n'aurait jamais dû dans son propre intérêt jeter du doute au milieu de cette chambre, pour faire croire que les hommes qui sont à sa tête veulent le malheur de leurs compatriotes, qu'ils ont déjà trahi la patrie. Qu'il ne vienne pas faire de fausses insinuations contre eux; qu'il fasse voir au moins, s'il le peut, qu'il a la preuve qu'ils aient voulu empêcher le retour dans le pays de quelques uns de leurs compatriotes.<sup>40</sup>

MR. CHRISTIE asked whether there was any object for asking this correspondence? Were there any circumstances under which the House would refuse to act in accordance with its addresses of 1841 and 1844? For his own part, he thought it cruelty to keep McKenzie out of the country; and if it were their wish to admit not only him, but five hundred more, <sup>41</sup>if so many were in banishment, the Government should have his vote.

MR. SHERWOOD said he would be the last to invade the privacy that should be maintained between the Ministers of the Cabinet and the Governor; but, in the present case, he thought it advisable that any correspondence that had passed between them should be made public.<sup>42</sup> Information could do no one any harm, and it was probable that this correspondence would explain the reasons why the Imperial Government was ready to do now, what it had never been ready to do before. He understood that, hitherto, the Imperial Government had alleged cogent reasons for excepting Mr McKenzie from all proclamations of mercy. Perhaps the information now sought would confirm him (Mr. Sherwood) in the course he proposed <sup>43</sup>to take on the address: perhaps it would cause him to alter his course.

SIR A. MACNAB said if he had any hesitation in presenting his motion before, he was quite confirmed in insisting upon it now.<sup>44</sup> ((He)) had a right to ask for information, and it would be for the Government to refuse it or not. If they thought it would do good to the Government, with the majority of the people of the country, they would probably give it to the House--if not, they refuse on their own responsibility. He threw back the insinuations of unkindness toward these unfortunate people. He had had hundreds of them in his power, and had letters to show that he had exercised as much humanity as those who professed greater liberality. He had refused to vote the general amnesty in 1844, because he thought



it too soon.<sup>45</sup> Sir A. MacNab voulait, disait-il connaître les motifs qui avaient engagé les deux gouvernements à permettre la rentrée dans le pays des hommes qui ont porté les armes contre le souverain, et il était d'opinion encore qu'il ne fallait pas y accéder sans restrictions et sans motifs puissants.<sup>46</sup> It was like whipping a school boy one day, and bringing him back the next to give him more than he had ever cried for.<sup>47</sup>

SIR A. MACNAB<sup>48</sup>... moved for copies of all correspondence relative to the removal of restrictions on the commerce of the Province.<sup>49</sup>

MR. INSP. GEN. HINCKS promised all the papers.<sup>50</sup>

(14)

The House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brooks, Cayley, Crysler, Gugy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Papineau, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(18.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Christie, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Egan, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Macdonald of GLENGARRY, Marquis, M'Farland, Meritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wetenhall.--(47.)

So it passed in the Negative.

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Macdonald,

Restrictions upon Commerce.

Resolved, That an humble Address be presented to

His Excellency the Governor General, praying he will be pleased to lay before this House, copies of all Communications between the Imperial and Provincial Governments relative to the proposed removal of Restrictions imposed by Imperial Acts upon the Commerce of this Province.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Townships Erection Bill.

Ordered, That the Honorable Mr. Attorney General

LaFontaine have leave to bring in a Bill to confirm the Erection of certain Townships, and for other purposes relative to the Erection of Townships.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday, the thirtieth instant.



Election  
Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of the Elections of Members to represent the People of this Province in the Legislative Assembly thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the thirtieth instant.

Offenders  
Treaty Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill for better giving effect, within this Province, to a Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain Offenders.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday the thirtieth instant.

Real Property  
Conveyance  
Bill.

Ordered, That Mr. Solicitor General Drummond have leave to bring in a Bill for removing doubts as to the legal effect of the Act of the Legislature of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, "An Act for rendering valid Conveyances of Lands and other immoveable property held in free and common socage within the Province of Lower Canada, and for other purposes therein mentioned," and for the greater uniformity of the Law relative to Real Property in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the thirtieth instant.

Warehouse-  
men's Punish-  
ment Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill for the punishment of Warehousemen and others giving false receipts for Merchandize, and of persons receiving advances upon Goods, and afterwards fraudulently disposing of the same.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time; and ordered to be read a second time, on Monday next.

Partition of  
Lands, &c.,  
Bill.

Ordered, That Mr. Solicitor General Drummond have leave to bring in a Bill to amend and extend certain provisions of "An Act to facilitate the partition of Lands, Tenements, and Hereditaments in certain cases in Lower Canada."

He accordingly presented the said Bill to the House,<sup>51</sup>

MR. SOL. GEN. DRUMMOND introduced a Bill to amend the act passed in 1847, to facilitate the partition of lands in Lower Canada. Mr. Drummond in introducing the Bill, stated it was to amend a part of the act which had been entirely overlooked by him and many other members of the House. Certain townships in Lower Canada had been granted to a number of persons as

tenant in common, and these tenants had now become so considerable, in consequence of sales, and of deaths of original tenants, and by the succession of their families, that it had become impossible to ascertain the exact rights of parties, or to get the lands divided by an ordinary process of law; and in consequence an act was passed to facilitate the division of these said lands. It was principally with the notice required to be given by any person petitioning the Court of Queen's Bench, that he wished to amend the act. His impression at the time the act passed was, that a twelve months notice, in the newspapers, was given by any person applying for a division of any part of the lands, in order that time might be given to all parties interested to fyle their claims on the lands; but by this second section of the act, he found that only 15 days notice was required to be given. Now, this period was far too short to allow all the parties that might be interested to appear and protect their rights. There was probably some 300 or 400 persons, in the Township to which he referred, who were interested in land, a petition for the division of which was to be presented after three weeks notice, and as many of these persons claimed under ten or twelve titles, and many of them would be obliged to go a considerable distance to get them, it was impossible that they could get their claims fyled in time, and consequently would suffer great loss. By the Bill now introduced, it was proposed to stay all proceedings that had already been taken, and to require that six months notice be given in the public newspapers, and that parties interested in lands, petitions for the division of which had already been presented, be allowed to the 1st of May 1849, to add to their petitions or claim any additional proof or papers they might think proper. It was also provided, that where parties claimed as heirs of a deceased person, they would not be required to prove that they were the legal representatives of such person, unless their quality was contested by some other person claiming from the same party.<sup>52</sup>

(14)

*and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.*

MR. SHERWOOD<sup>53</sup> observed that, before the House came to the order of the day for taking into consideration the Governor's Speech at ((the)) opening of the Session, he hoped the other orders on the list would be taken into consideration--alluding, more especially to the order of the day demanding the attendance of Mr. Vansittart at the Bar<sup>54</sup> to justify his conduct as Returning Officer at the last election for the County of Oxford. ... It was a matter of privilege, and ought, therefore, according to the usage of the House, to take precedence of all other business.<sup>55</sup>

SIR A. MACNAB.--It was their first duty to protect the privileges of the House; and by the rules of the House, questions of this sort should always take precedence. If, however, the majority were determined, they could, of course, set aside the rules of the House, and take up the debate on the Address.<sup>56</sup>

MR. SHERWOOD and SIR A. MACNAB wished to have the case of Mr. Vansittart first disposed of<sup>57</sup>. It was a great hardship that Mr. Vansittart, should be obliged to come down here with his witnesses, and thus be obliged to wait here from day to day at great expence, when the House



had fixed this day, for hearing his evidence at the bar.<sup>58</sup> Both gentlemen appealed to the speaker to know his decision-- whether or not cases of privilege did not precede all others.<sup>59</sup>

MR. MORIN the SPEAKER said it might, in his opinion be left to the House.<sup>60</sup> It was usual with the House to take up questions of privilege before proceeding to other business, but he did not think it was imperative on the House to do so.<sup>61</sup>

MR. CAYLEY reminded hon. gentlemen opposite, that when the question of the hon. and gallant knight from Hamilton's right to his seat in the House came up, they then insisted that it should take precedence of the debate on the Address.<sup>62</sup>

MR. AT. GEN. BALDWIN was surprised at the hon. member for Huron quoting that instance as a case in point, for the hon. and gallant Knight was then Speaker, and the question was, whether the House could do anything without the Speaker. (Hear, hear.) The two cases were not at all parallel.<sup>63</sup> He hoped there would be nothing to prevent or postpone the debate on the Speech of His Excellency.<sup>64</sup>

And on the question having been put, the orders were left to be proceeded with in regular rotation.<sup>65</sup>

(15)

Cornwall  
Election.

According to Order, Norbert Dumas, Esquire, Member for the County of Leinster, who was absent, on Friday last, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, attended in his place; and having given satisfactory reasons for his not being present at the meeting of the Committee on that day; and having verified the same upon oath;

Ordered, That Mr. Dumas be excused for not attending the Committee, on Friday last.

According to Order, Pierre Canac dit Marquis, Esquire, Member for the County of Kamouraska, who was absent, on Friday and Saturday last, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, attended in his place; and having given satisfactory reasons for his not being present at the meetings of the Committee on those days; and having verified the same upon oath;

Ordered, That Mr. Marquis be excused for not attending the Committee, on Friday and Saturday last.

According to Order, John Egan, Esquire, Member for the County of Ottawa, who was absent, on Friday and Saturday last, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, attended in his place; and having given satisfactory reasons for his not being present at the meetings of the Committee on those days; and having verified the same upon oath;



*Ordered, That Mr. Egan be excused for not attending the Committee, on Friday and Saturday last.*

Speech con-  
sidered.

ture, being read,<sup>66</sup>

*The Order of the day for taking into consideration the Speech of His Excellency the Governor General to both Houses of the Provincial Legisla-*

MR. AT. GEN. BALDWIN ... ((said)) it was usual to take up His Excellency's Speech before proceeding to any business, whatever; and moved that the order of the day, for the consideration of His Excellency's Speech, be now read.<sup>67</sup>

(15)

*The Honorable Mr. Attorney General Baldwin moved, seconded by Mr. Solicitor General Drummond, and the Question being proposed, That this House do now take into consideration the Speech of His Excellency the Governor General to both Houses of the Provincial Legislature.*

M. PAPINEAU.--J'ai été surpris en voyant l'an dernier, la nouvelle procédure, qui a été adoptée dans cette Chambre et qui, il me semble, peut donner lieu à quelques surprises, dans quelques circonstances, surtout quand un membre pourrait se trouver dans une grande minorité ou qu'il aurait le malheur d'être seul de son parti. S'il n'a pas alors l'avantage d'avoir un comité général de toute la Chambre, il est certain qu'il n'a plus cette liberté de débats, de discussion qui doit être conservée, garantie à tous les membres de la Chambre. Je viens tout à l'heure d'éprouver cet inconvénient. Ayant dit quelques mots; dans la réplique qui m'a été faite, on s'est empressé de me prêter des opinions que je n'avais pas énoncées. La presse se hâtera de répandre ces énoncés sans que j'aie eu le privilège de repousser des assertions mal fondées. Je crois donc qu'il est dans l'intérêt de tous les membres de n'être pas asservis à une marche si évidemment contraire à la liberté de discussion qui doit régner dans tous les pays libres, dans toute chambre représentative bien constituée.

Il est une foule de bills, une foule de propositions qui doivent être débattus, sans qu'il soit nécessaire d'avoir recours bien souvent à la formation des comités généraux dans la Chambre, mais je crois que s'il est un cas où cela soit nécessaire, c'est quand au commencement d'un nouveau parlement nous nous trouvons pour la première fois en présence d'une administration à laquelle nous avons à demander à quelle condition elle a accepté le pouvoir, quels sont ses projet de réformes, comment, enfin, elle a fait fonctionner les attributions dont elle est chargée. Je crois donc devoir proposer en amendement à la motion devant le fauteuil, qu'on se forme en comité général de toute la Chambre, afin de donner à tous les membres toute la facilité de discussion possible.<sup>68</sup>

(15)

*The Honorable Mr. Papineau moved in amendment to the Question, seconded by Mr. Sauvageau, That after the word "consideration" the following words be inserted: "in a Committee of the whole House."*

MR. AT. GEN. BALDWIN hoped that the hon. Member would not persist in his motion. The course which they were now pursuing was the one which had been followed since the Union, and was the course pursued in England.

It was found to be the most convenient mode of procedure, and the Members on both sides of the House, he was sure, would say so.<sup>69</sup>

SIR A. MACNAB said the course proposed by the hon Member (Mr. Baldwin) was the practice which was always followed, both here and in Great Britain.<sup>70</sup>

(15)

*And the Question being put, That those words be there inserted; the House divided: and the names being called for, they were taken down, as follow:*

YEAS.

*Messieurs Christie, Fournier, Papineau, Prince, and Sauvageau.--(5.)*

NAYS.

*Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Cayley, Davignon, DeWitt, Solicitor General Drummond, Dumas, Egan, Flint, Fortier, Fourquin, Gugu, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Marquis, M'Connell, M'Farland, M'Lean, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Robinson, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Thompson, Viger, Watts, and Wetenhall.--(54.)*

*So it passed in the Negative.*

*Then the main Question being put;*

*Resolved, That this House do now take into consideration the Speech of His Excellency the Governor General to both Houses of the Provincial Legislature.*

*The House proceeded accordingly to take the said Speech into consideration.*

M. DUMAS.--<sup>71</sup> M. l'orateur, je remplis avec plaisir la charge qui m'est dévolué (sic) de proposer la motion de concours dans le discours que nous a fait Son Excellence le gouverneur général à l'ouverture de la présente session.

Les innovations introduites dans ce discours<sup>72</sup> due to the change which had been effected in the system of government<sup>73</sup>, me donnet l'assurance qu'on veut véritablement le bien du pays.

Fort de l'appui de cette Chambre, fort de la confiance du pays, le ministère n'a pas craint de nous donner un grand apperçu des réformes en contemplation. C'est par la confiance qu'il a répondu à la confiance du peuple. Et à quoi lui aurait servi la dissimulation, lorsque le peuple peut à chaque instant retirer son mandat à chacun de ses membres? La dissimulation pouvait convenir à un autre ordre de choses, à des temps où la ruse et l'astuce tenaient lieu de vertu politique.

Le ministère loin d'avoir à craindre pour sa politique ne peut que grandir dans l'opinion publique. Dans chacune des mesures contenues dans ce discours on voit l'importance et la sagesse de sa marche.

Au premier rang figure l'amnistie générale en faveur de nos compatriotes<sup>74</sup> who still languished on a foreign soil in consequence of the



unhappy events of 1837 and 1838.<sup>75</sup> Honneur à ceux qui ont pris l'initiative dans cet acte de miséricorde, à ceux qui ont obtenu cette promesse de la prérogative royale! Quel honneur pour nous de rendre nos malheureux exilés, à leurs femmes, à leurs enfants, à leurs familles! Quel bonheur pour eux de rentrer dans leur patrie et de voir leur pays qu'ils avaient laissés dans l'oppression, rentrer de nouveau dans la possession de ses droits politiques! Quel plaisir encore pour eux de voir le pouvoir entre les mains des hommes du choix de leurs concitoyens! Quel plaisir de revoir le pays en possession des libertés publiques pour lesquelles ils avaient eux-mêmes combattu; versé leur sang et perdu leur liberté! Ils sauront eux, apprécier la sagesse et la persévérance admirables de ceux dont une oppression aussi pesante que longue n'a pu lasser la passion, et qui, à force de circonstances, ont reconquis cette victoire qui les avait un instant abandonnés sur le champ de bataille. Ils sauront reconnaître la valeur, le mérite de ces hommes qui ont toujours cherché la liberté dans les limites de la constitution.

Qui n'applaudira pas encore à cette autre mesure de justice, qui tend à rappeler cette clause inique de l'acte d'union qui impose des restrictions à l'usage de la langue française?

Déchirons cette page notre histoire qui en éternisant la honte de nos tyrans, éternisera aussi les combats, la résistance des canadiens contre l'Union. Je n'ai pas de terme trop fort, pour qualifier l'union des Canadas. On a voulu, en nous l'imposant, blesser les canadiens dans ce qu'ils avaient de plus cher. On ne peut prêter aux auteurs de l'Union aucun motifs raisonnables. Est-ce que la langue parlée par Lamartine, Thiers et Odillon Barrot n'était pas assez énergique pour rendre, pour exprimer la profondeur de leur politique, puisqu'ils ont osé la supprimer?<sup>76</sup> or ... subtle enough for their dark diplomacy.<sup>77</sup> Qui ignore que la langue française a été adoptée par toutes les cours comme la langue de la diplomatie? qu'elle est admirée depuis des siècles par toute l'Europe, qu'elle est l'interprète de son droit public? Mais non, ils l'ont cru trop stérile pour la rédaction de nos statuts provinciaux. Son Excellence le représentant de notre souveraine, nous a paru, lui, entretenir une toute autre opinion sur le mérite de la langue française. Il n'a pas craint de déparer son discours, en le prononçant dans la langue des premiers colons du pays. C'est que son éducation, ses connaissances, le mettaient en état d'en connaître les avantages, d'en apprécier les beautés.

Avoir obtenu le rappel de cette clause inique, de cette clause dégradante de l'acte d'union est pour nos ministres la meilleure preuve qu'ils pouvaient donner de la justesse de leurs vues, la meilleure réponse qu'ils pouvaient faire à ceux qui les accusaient d'avoir accepté l'union, comme s'il nous eût fallu laisser le champ libre à nos adversaires, comme s'il ne fallait pas mieux nous en servir pour porter au pouvoir le parti libéral.

C'est ainsi que le poison le plus subtil entre les mains d'un habile médecin se convertit en un remède salubre; c'est ainsi qu'il peut tirer la vie d'un principe de mort.

L'attention de cette Chambre a été aussi attirée particulièrement sur plusieurs autres mesures d'une grande importance. Il y a cette du bill de judicature et celle du bill du King's College que je ne crois



pas devoir passer en revue dans le moment actuel.

Quand à la première de ces mesures, ceux qui ont eu l'avantage d'en lire le projet peuvent avoir un avant-goût, une idée de l'habileté avec laquelle seront façonnées les autres.<sup>78</sup> La question de King's College intéresse plus particulièrement la partie occidentale de la province. C'est de cette mesure qu'un célèbre magnétiseur<sup>79</sup> un grand charlatan,<sup>80</sup> qu'on nous avait envoyé d'Angleterre, sans doute à cause de ses grands talents dans l'art du mesmérisme, disait qu'elle avait été la pierre d'achoppement du ministère d'alors, qui est encore le ministère d'aujourd'hui; ministère qui saura démentir cette assertion ridicule, en faisant de cette mesure une loi agréable à tous les habitants du Haut-Canada.

Dans la crise où nous ont lancés, les innovations commerciales de la Mère-Patrie, à la veille d'adopter un système colonial nouveau, nous devons réjouir de voir le vaisseau de l'état, déjà ballotté par de rudes secousses, nautonniers (sic) habiles et capables de le diriger dans encombres à travers les dangers d'une mer encore inexploitée<sup>81</sup>, la mère orageuse de notre politique coloniale.<sup>82</sup> ((He)) concluded by moving the following ((resolutions)):<sup>83</sup>

(15)

*Mr. Dumas moved, seconded by Mr. Wetenhall, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne at the opening of the present Session of the Provincial Parliament:*

*To assure His Excellency that this House cordially concurs in the satisfaction expressed by His Excellency, that uninterrupted tranquillity has prevailed in the Province during the Recess:*

*That the proofs which the people of Canada have furnished during this period of general excitement and disquietude, of their love of order, and of the attachment they bear to their institutions will, they feel assured, tend to establish the credit of the Province on a firmer basis, and to promote its prosperity:*

*That they learn with the greatest satisfaction that it is the purpose of their beloved Sovereign to exercise the prerogative of Mercy in favor of all persons who are still liable to penal consequences for political offences arising out of the unfortunate occurrences of 1837 and 1838, and to assure His Excellency that they will with humble gratitude concur in passing any Act that may be proposed to give full to effect to this Her Majesty's most gracious intention:*

*That it affords this House much pleasure to learn, that in compliance with the desire of the Legislature, of this Province, expressed in a joint Address of the two Houses of the Provincial Parliament, the Imperial Parliament has passed an Act repealing the Clause in the Union Act which imposed restrictions on the use of the French Language:*

*That this House learns with pleasure, that His Excellency has during the Recess been in communication with Her Majesty's Principal Secretary of State for the Colonies, and with the Lieutenant Governors of Nova Scotia and New Brunswick, on the subject of the Provincial Post Office, and that on the meeting of the Imperial Parliament steps will*

be taken for conferring on the Provincial Authorities the entire control and management of this Department; and they trust that when the arrangements for effecting this object shall have been completed, it may be found practicable to establish a low and uniform Rate of Postage for the British North American Provinces:

That they concur with His Excellency in the belief that an increase in the Representation would be attended with considerable advantage to the public interest, and to assure His Excellency, that the subject, which is one of no ordinary importance, will not fail to receive their best consideration:

That they cordially concur in the gratification expressed by His Excellency, at the opposition manifested at one time in certain parts of Lower Canada, to the School Act, having in a great measure subsided; and that they will readily consent to make such alterations in it, as shall render it as little as possible onerous to the Rate-payer, without, however, compromising the important principle which it has consecrated, in securing for all the youth of this section of the Province, the blessing of Education:

That the system of Judicature in both sections of the Province--the Laws for the regulation of Municipalities, and the Constitution of the University of King's College, shall receive their best attention:

That they learn with great satisfaction that the Officers employed in exploring the Country between Quebec and Halifax, with the view of discovering the best line for a Railway to connect these two points,

(16)

have presented a Report containing much valuable information, and setting forth in a strong light the advantages of the proposed undertaking; and that a Despatch from the Secretary of State for the Colonies has been received by His Excellency, expressive of the interest taken by Her Majesty's Government in the executive of this great work:

That they will give their best consideration to the Accounts for the past, and the Estimates for the present year, when they shall be submitted by His Excellency; and they beg to assure His Excellency, that he may rely on their readiness to grant the Supplies which are necessary for the Public Service:

That this House participates in the concern expressed by His Excellency, that Canada has been seriously affected by the Commercial depression by which the past year has been unfortunately characterised:

That they feel grateful to His Excellency for having impressed on Her Majesty's Ministers the urgent necessity which exists for the removal of such provisions from the Imperial Statute Book as may tend to restrict the Commerce of this Province, by checking the resort of foreign Shipping to its Ports in search of freight; and that they receive with the highest satisfaction the information that His Excellency's representations on this head have been cordially responded to by the Queen's Government:

That among the measures to which His Excellency has been pleased to refer, as meriting the attention of the Provincial Parliament at the present time, as being calculated to raise the credit of the Province, to extend its trade, and to contribute to the developement of its resources, this House is gratified at finding that His Excellency has



particularly directed their attention to the following as specially important:

The provision of such funds as may be required for the completion of the St. Lawrence Canals, at the earliest period. With respect to which great works, they are happy to learn that, it is believed, that they may be so far perfected at a small additional expense as to permit Vessels drawing nine feet on the outward, and eight feet on the inward voyage, to pass from Lake Erie to the Ocean, soon after the opening of the navigation; and that when this object shall be accomplished, Canada, will possess an Inland Navigation unparalleled in capacity and length, and connecting the marts of a Commerce to the growth of which it is impossible to assign limits:

The enactment of a Law authorizing the alienation of works of a purely local character which have been executed at the cost of the Province, and giving the Government such powers as may be necessary for the re-organization of the Provincial Debt, and creation of an efficient Sinking Fund. That it is gratifying to feel that this debt has been contracted in the prosecution of costly wars, whether of defence or aggression, but in the construction of works of utility, the more important of which can hardly fail, when completed, to prove remunerative; and further, that the existence of a large revenue, derived from Customs, places the creditor of the Canadian Public in a very advantageous position, which will be improved when the principle of the Sinking Fund is brought into active operation:

The amendment of the existing Immigration Act, with a view to the removal of such provisions as tend to prevent Immigrants who propose to settle in Canada, or the Western States of the Union, from proceeding to their destination by the route of the St. Lawrence. With respect to which important subject this House fully concurs with His Excellency, that the Passenger Trade is an important branch of the trade inwards, which cannot be discouraged without prejudice to the trade outwards, and thanks His Excellency for the assurance that he will not fail to make every exertion which the interests of the public health will permit, to reduce the expenditure of the Immigration Department to the scale of the years preceding 1847, when a passenger tax, considerably less onerous than that now levied, with the occasional addition of a small grant from the Public Treasury, sufficed to cover it:

That this House receives with peculiar gratification the recommendation of His Excellency to consider the expediency of setting apart a portion of the Public Domain, in order that the revenue derived from the sales thereof, may form a Fund, the interest of which shall be applied to the support of Common Schools; and to assure His Excellency that the subject will receive their best attention, as well as the important suggestion of His Excellency to invest the Capital arising from this source, either in the Stocks of the Province or in those of some of the principal Railways, the construction of which has been sanctioned by Parliament:

That this House feels grateful to His Excellency for the assurance that in maturing these and all kindred measures which have the promotion of the moral and economical well-being of the people of this important Province for their object, they will ever find His Excellency



*willing and desirous to cooperate with them:*

*That they fully concur with His Excellency that in the possession of a Revenue derived from so many independent sources, and exempt from numerous charges that weigh heavily on the resources of other Communities, Canada enjoys great and singular advantages; and they cordially unite with His Excellency in the hope that, under God's blessing, Legislation may be so directed as to enable her to reap the full benefit of them.*

MR. WETENHALL.--Mr. Speaker, I have great pleasure in seconding the resolution which has been proposed, and so forcibly and eloquently supported by my learned friend the member for Leinster; and in doing so, Sir, I shall make but some brief remarks on a few of the paragraphs contained in it. The first two paragraphs refer to the uninterrupted tranquillity which has prevailed in Canada, whilst many other countries<sup>84</sup> in Europe<sup>85</sup> have been disgraced by internal strife and contention. I think, Sir, that this state of tranquillity is, and ought to be, matter of deep gratification to all of us; and I think, Sir, the cause of it is easy to be found. It has been occasioned, in my opinion, by the confidence of the people in the goodness of their institutions; by the determination of our Sovereign, so frequently expressed, to govern Canada with an earnest desire to promote the best interests of its inhabitants, and by the general conviction that all necessary reform can be obtained, by constitutional means, through the representatives of the people, and the other branches of the Legislature; and there is no doubt, Sir, this uninterrupted tranquillity will tend to place the credit of the Province on a firmer basis, and to promote its prosperity. Then, Sir, with regard to the proposed amnesty, which has been already debated this evening, I have listened attentively to that debate, and must say, in spite of all that was said on the subject, that I believe I express the sentiments of every generous mind in Canada, when I state that they will feel great satisfaction in the exhibition of benevolence given by our Sovereign in extending the Royal mercy to those concerned in, the unfortunate occurrences of 1837 and 1838--a course of conduct, Sir, in perfect harmony with the generosity of disposition which has characterised her whole reign; and, Sir, all will agree with me in thinking, that, in this instance, our gracious Queen has religiously performed that part of her coronation oath, in which she has sworn to administer justice in mercy. Then, Sir, we are informed of the repeal of that part of the Union Act which imposed restrictions on the use of the French language. There is no member of this House better pleased than myself to see this act of justice accorded to our fellow subjects of Lower Canada; for it is but right and just to act towards others, as we would they should act towards us; and every member of British origin in this House will agree with me, that if a similar proportion of the inhabitants of a French colony were of British extraction, and many of them unacquainted with the French language any restrictions on the use of the English language would be considered an intolerable hardship. Then, Sir, reference is made to the Post Office--there is perhaps no reform more called for than that of the Colonial Post Office, and public opinion has long since pointed out its necessity<sup>86</sup>. In Upper Canada there was no subject upon which a deeper feeling existed than upon the exorbi-

tant rate of postage now charged,<sup>87</sup> and if legislation on the subject shall result in the better management of the department, and in satisfactory reduction of postage, it will be one of the greatest boons that can be bestowed on the inhabitants of Canada. Then comes the recommendation of His Excellency to increase the number of Representatives in this House. A very general feeling prevails, Sir, that the present number of Representatives<sup>88</sup> was insufficient to represent the whole Province fairly, and<sup>89</sup> ought to be increased, and there is no doubt that in former Parliaments it had been found inadequate to protect the country from those peculiar influences which are supposed to have been brought to bear on particular members of the House. I trust, therefore, that the measure prepared by the Administration on this subject, will be found of such a character as will remove all obstructions to a full and fair representation of the popular feeling. Then, Sir, reference is made to the opposition of the School Act in certain parts of Lower Canada having subsided.<sup>90</sup> He was glad to hear that such was the case;... however,<sup>91</sup> I trust, Sir, from the expression here used, we are not to infer that the School Act in Upper Canada is considered perfect--for, although the act has been carried into operation, there is no act on the statute book more irksome to the people, and none which requires more immediate amendment: many of its provisions are more than onerous, and a great part of its machinery is cumbersome, expensive and unnecessary.--Then, Sir, we are informed that His Excellency had impressed on the Home Government the necessity which exists for the removal of such provisions from the Imperial Statute Book as may tend to restrict the commerce of this Province, by checking the resort of foreign shipping to its ports in search of freights. We have, Mr. Speaker, abundant evidence of the injurious effects of the British Navigation Laws on the commerce of Canada, and I believe it would be no difficult task to prove that the restrictions imposed by these Laws have been more costly than all our Canal and internal improvements. The loss occasioned by them is not confined to the purchasers, but is felt also by the producers of Canadian produce; for, if the buyer has to provide against high freights and the risk of his property being detained in Canada for want of sea-going vessels, he will most certainly be unable to give the producer the full value of his produce; and this, Sir, has been actually the case for some time. Indeed for the last three years most of the wheat grown in the section of the country in which I reside, has forced its way to the United States, in spite of the heavy duty there levied on it. This wheat would, Sir, have been purchased by merchants of Montreal and Quebec, but for the risk of its detention in the Colony, or the certainty of having to pay extravagant freights.--The scarcity of vessels in the ports of Montreal and Quebec is too notorious to require more than an allusion to the fact. It has been frequently pointed out in memorials from this city (Montreal.) But, Sir, the injury inflicted by these laws is not confined to the export trade-- for all know that many articles are now purchased by the Upper Canada merchants in the New York markets, and this has been caused chiefly by the low freights by American vessels, to and from the port of New York. You will remember, Mr. Speaker, that when famine prevailed in Ireland, about two years ago, the wharves of Montreal were overloaded with bread-stuff--the



owners of which, in consequence of the scarcity of sea-going vessels, were many of them ruined; though had foreign vessels been allowed to come up the St. Lawrence, such calamity would not have occurred. This state of things, is thus briefly and graphically described by Ricardo:--"So that at Montreal there were stored up bread-stuffs in abundance: on the opposite shores of Ireland there was scarcity and famine, and even death from hunger,--the merchants of the colony ruined,--the people of this Mother Country starved--ships at hand to convey the grain, but they were built on the wrong side of the St. Lawrence. The ban of the Navigation Laws was upon them." Amongst the measures specially recommended by His Excellency to the consideration of this House, the first is the provision of such funds as are necessary for the completion of the St. Lawrence Canal, so as to perfect the navigation between Lake Erie and the ocean. There is no doubt this is necessary and highly desirable, and will tend much to the extension of our commerce and the growth of our towns. Yet I trust, Sir, this is not the only improvement intended to be prosecuted; for there are many works of a difficult and expensive nature which require immediate attention. In some parts of the Province, the main road is intersected by immense ravines, which are now passed by narrow and dangerous roads, for the improvement of which the inhabitants of those parts have frequently petitioned this House, and the continued disregard of their petitions has caused them to dread that an intention is entertained of totally neglecting them. These required improvements are on the same Provincial road, and are of far too expensive a character to admit of their improvement by the local municipalities. There are also other Canals, which require to be enlarged and improved, and I trust, Sir, they will not be neglected by the present administration. In conclusion, Sir, I believe the Address from His Excellency will give general satisfaction, as indicating the desire of the Administration to bring forward such measures as are required for the welfare of the country.<sup>92</sup>

COL. PRINCE<sup>93</sup> was desirous of stating his sentiments upon the present occasion. At a time like this, when the country was governed by a party, it might seem strange for him, who had never been a party man, much less a party leader, to rise and speak in the present state of the debate; but whatever people thought of it, he must do what he considered his duty, and make a few remarks upon the Address of His Excellency. It was amusing, it was funny, he thought, to hear a Speech from the Throne, in a British Colony, delivered by the Representative of Her Majesty ... and<sup>94</sup> the motion for the answer to the speech from the throne, and the speech made by the hon. member in moving it, delivered in a foreign tongue, ((it)) seemed somewhat strange to him; indeed, he thought it funny, as he doubted not it would sound so in the ears of most Britons. They were to have the French language, and he supposed this speech was made as an introduction to the new state of things. He doubted if this alteration was wished for by His Excellency.<sup>95</sup> No doubt His Excellency was advised to do this, and he had no doubt he would soon be advised to do many more amusing and absurd things. It was, no doubt, done to please the French Canadians; but why did they not get His Excellency to read it in French first? It might have pleased them more, it was a desperate thing to be obliged to be contented to play second fid-



dlar. But they need not think they would gain any credit by it, they could not so easily blind fold the Canadians, who, he was sure, would only look upon it as an attempt to throw dust in their eyes.<sup>96</sup> It might be that, by next session, something more funny might be attempted.<sup>97</sup> The Ministers enjoyed the support of the hon. member for Glengarry, who had always given them his confidence, and, no doubt, he expected to get something for all this, but they appeared to have forgotten to give them a touch of the Speech in Gaelic.--(Hear, hear, and laughter.) And then look at the quiet County of Waterloo, the representation which might be said to be vacant now, and to the representation of which a legal gentleman, who gives his confidence to the present Ministry, is said to be aspiring, and, no doubt, they might soon expect to see him take his seat among them. Now, as the County of Waterloo was chiefly filled with good honest Dutchmen, it would not be treating them and the legal gentleman well if they neglected to do something to please them, and at the next Session they might expect to hear the Ministry requesting His Excellency to give a touch of his Speech in High Dutch--- (Hear, hear, and laughter;) there might be good policy in all this, and instead of the Ministers laughing at it, if he was one of them he would give it his serious attention; but, after all that had been done, he had no doubt they would come back to the good old English tongue. He would direct his attention to the Speech; in the first clause, it was stated that universal tranquillity prevailed throughout the Province; he denied it--apathy did, but not tranquillity. But if tranquillity did prevail, did it proceed from the present Ministry? did it proceed from their shameful proceedings--from their dismissal from office of tried and faithful friends of the Crown? Does it proceed from their violation of His Excellency's pledged word upon some occasions?--(Hear, hear.) Did they want him to specify any of them?<sup>98</sup>

MR. AT. GEN. BALDWIN.--Just as you please.<sup>99</sup>

COL. PRINCE.--Yes, they had unwarrantably dismissed from office men to whom the country would have to look to as their future advisers; and the present Ministry had also made appointments which should not have been made. He would refer them to the case of the three associate Judges at London--(Hear, hear.) He might refer to others, but he would ask members just to look at the case of the three associate Judges for the town of London. In every Commission of Oyer and Terminer, there were generally three or four gentlemen of the first figure and highest respectability and influence associated with the Judges to advise them about things in the District, which the Judges could not be expected to know much about; and for the town of London, Messrs. Clynch, Bostwick and Harris had acted as such for a great many years. These gentlemen had been left out of the last Commission.<sup>100</sup> The office was not one of profit, but of honour, and it was unjust to dismiss, or set aside men, who were willing to act in such offices<sup>101</sup>, and he would ask how it was that their names had been omitted--had they been guilty of any wrong? He would ask why they dismissed them, was it because they were Conservatives? He found that they had filled up their places with other gentlemen<sup>102</sup> political friends of the Ministry<sup>103</sup> which had been done, no doubt, by the advice of the member for Kent;<sup>104</sup> and it was thus that gentlemen of capacity

and talent were treated, who were guilty of nothing, save differing in the political sentiments from the Executive.<sup>105</sup> He said, true it was that "to the victors belong the spoil," but a generous victor would not have done so; there was a great difference between dismissal from, and appointing to office, and a generous victor would have allowed men who filled such offices to retain them. He would now refer them to the case of Mr. Gzowsky, an atrocious case; that gentleman was a foreigner, and came to this country about 6 years ago, when he was invited to join the Board of Works as an Engineer, and since that time till lately he had performed his duties to the satisfaction of every one--and when he was suddenly deprived of his salary of £600 a year, (and he is a man with a large family,) and informed that his services were no longer required, and that in a letter of great politeness,--(Hear, hear,)--which bore testimony to his skill and good conduct; and why was this done? It was done to make room for Mr. Killaly<sup>106</sup>, the political friend of the Ministry,<sup>107</sup> who was immediately appointed to the situation, at a far higher salary; and yet the pretext for depriving Mr. Gzowsky of his situation was, that the country could no longer afford to pay him his salary--that was the way to save money! He would now make a few remarks about the Board of Works, and he would like to know upon what principle it was that the Chief and Assistant Commissioners had been appointed.--They had in England a Board of Works, but it was filled from top to bottom with eminent Engineers.--But whom have they put at the head of the Board here?--a most respectable gentleman and a first rate physician no doubt, one who could physic his patients well, but he was a person who knew no more of Engineering than he (Col. P.) did, and that was very little; and, then, who was called upon to assist him; was it an Engineer? It was the member for Kent, who, no doubt, knew the value of lumber, the value of a bale of goods; very well, but was totally ignorant of Engineering. The hon. member for Kent was, no doubt, laughing in his sleeve like to split his sides, at the idea of appointing him Assistant Commissioner, and saying to himself, "What fools they are to put me into such an office."<sup>108</sup> (Laughter.)<sup>109</sup> Sometime ago it was contemplated to build a bridge at Chatham, over the River Thames, and they sent up the member for Simcoe, (Mr. Robinson,) who made his first Report upon it, but, for some reason or other, that was not sufficient; and sometime after the member for Kent was sent up, and he made his Report on it, but that was not sufficient either, and the Chief was obliged to come up to see about the building of this little bridge; but even the opinion of these three gentlemen did not appear sufficient; and in coming down he (Col. P.) had met Mr. Killaly<sup>110</sup> posting up all haste, six hundred miles, in order to see what could be done<sup>111</sup> about the small bridge over a little rivulet. --(Laughter.) Was not this a very absurd way of doing business? The hon. member then proceeded to speak about the conduct of the Ministry in employing other members of the Bar to conduct the Crown business when there were Queen's Counsel to do it.--It might be ascribed to him that he spoke from personal feelings, and that he complained of this because he had been deprived of the Crown business, but it was not because they had done so that he complained of it; he never expected it, and it was on behalf of the other Queen's Counsel, and for the sake of the profession, that he



spoke; he told them long before the member for Middlesex was sent up to conduct the Crown business, he told them during the last Session, that they could never get his support; no person was so loud and so bold in his denunciations of them as he (Col. P) was<sup>112</sup>. He had told the Attorney General so at the close of the last Session, and he would now tell him so again. He would also remind him that he could not raise the character of the profession in pursuing his present course, and he condemned him for thus depriving the Queen's Counsel of their fees, merely because they did not belong to his political party.<sup>113</sup> In England such a course would never be tolerated, for there, even although most of the business is conducted at the instance of private prosecutors, or the Association for the Prevention and Punishment of Crime, Queen's Counsel were always employed in preference to stuff gowns. The hon. member then proceeded to say that he could not see that the present Ministry could claim any credit for the repeal of the law prohibiting the use of the French language; it was the last Administration<sup>114</sup> ((who)) had memorialized the Queen on the subject.<sup>115</sup> With regard to an increase in the Representation, they were told that an augmentation of the number of members was desirable; he did not see that it was, and he would be no advocate for the saddling of the country with an additional expense of £10,000 per annum in the present depressed state of its finances, and it was a measure which was justifiable until an appeal had first been made to the country.<sup>116</sup> Some portions of the country might require an increase in the representation, such as Middlesex, but <sup>117</sup> let there be an appeal to the country upon it, and then let the country, and the electors, determine whether it was desirable that the Representation should be increased or not.<sup>118</sup> Some change might be required in the Judicature.<sup>119</sup> Then, with regard to the Charter of King's College, he must depreciate any interference with such a solemn deed as a Charter. He was not of the opinion that had been expressed in England, that a Charter was only a piece of parchment with a bit of sealing-wax dangling to it, which might easily be torn to pieces<sup>120</sup> at any time.<sup>121</sup> He would rather that the whole property of the College should be broken up, and scattered over the Province for general education,<sup>122</sup> (hear, hear,) <sup>123</sup> than allow such interference with it as he was afraid would be proposed, and if it was so dealt with, he (Col. P.) would turn his attention to the Lower Province, and see if there were no Charters there that could be dealt with in a similar manner. The Address spoke of the amendment of the Emigration Law with a view to encourage emigrants, intending to settle in Upper Canada or the Western States, coming by the St. Lawrence. What had they to do with emigrants coming to settle in the Western States? What had they to do with the Union? Nothing; but he would tell them the conduct of the Ministry was altering the views of many of their best citizens regarding the Union, and many of them would be obliged to leave their country to go there, if the conduct of the Ministry in excluding all that were good and virtuous from the office was persisted in.--(Hear, hear.) The hon. members opposite cry, hear, hear. He had no doubt that they would be happier under a Republic than under England<sup>124</sup>.

Hear, hear from the Opposition<sup>125</sup>.



COL PRINCE: but they had not the courage to come forward and say so.--(Hear, hear, and laughter.) He would not say any more. He intended at first to have moved an amendment, but he found, on consulting his friends, that they were averse to his doing so, and he would, therefore, not move one; but he could not sit down without again protesting against the truth of the statement, that tranquillity prevailed, and insisting upon the propriety of asserting the word apathy in its stead<sup>126</sup>.

M. PAPINEAU.--<sup>127</sup> Je me lève pour dire le peu de mots, que j'ai à dire à l'occasion des circonstances, qui ont accompagné la convocation du parlement provincial, cette année. Dans la manière, qu'il a été ouvert, il y a quelque chose d'inaccoutumée. C'est un acte de justice trop agréable, trop digne d'approbation, de la part du souverain du pays pour qu'on pût se permettre d'en faire un sujet de basses railleries, comme on s'en est permises. Le gouverneur a prononcé son discours en anglais et en français. Le rétablissement de la langue Française dans le parlement Canadien était un acte de stricte justice, que nous devait l'autorité constituée. Son excellence remplissait donc son devoir, en agissant comme il l'a fait. Il l'a fait avec toute l'attention et la courtoisie, qu'on devait en justice au peuple de cette province, et on doit lui en savoir gré. L'année dernière j'ai été blessé, j'ai été profondément affligé dans l'occasion salennelle (sic), où le parlement a été convoqué, de voir que le discours du trône n'eut pas été prononcé en langue française. Dans les usages du pays cette pratique avait toujours eu lieu. Il est vrai que les gouverneurs n'ayant pas toujours l'éducation, qui semble inséparable de la connaissance de la langue du pays, le plus civilisé de l'Europe, étaient souvent obligés de faire lire le discours par un de leur subrogés, mais toujours était-il dans la langue française. Il n'y a que depuis l'Union des deux provinces, que cet acte de justice a été interrompu.

La personne chargée ordinairement de lire le discours du gouverneur, quant il ne pouvait pas le faire lui-même, était l'orateur du conseil; et comme il arrivait souvent que celui-ci ne connaissait pas lui-même très bien la langue de mes compatriotes, il martyrisait, la plupart du temps, tellement le discours, qu'on ne pouvait à peine le comprendre. C'est ainsi qu'une fois l'orateur du conseil faisait dire au gouverneur qu'il désirait armer le plutôt possible la malice canadienne. Le mot "malice" canadienne était, comme à dessein, toujours substitué au mot milice canadienne. Le discours cette année a été prononcé en français avec dignité, et d'une manière propre à faire honneur aux sentiments de celui qui l'a prononcé, et à lui mériter la reconnaissance du pays.

Ceci posé, je dis que quant à tout le reste de cette adresse, je n'y vois rien de louable, mais beaucoup à blâmer, beaucoup à reprendre. Je ne sais pas si c'est un piège tendu à cette assemblée, ou si l'on a bien calculé la portée du discours, qu'on a mis dans la bouche de Son Excellence. Toujours le second paragraphe de cette adresse nous entraînerait-il à compromettre le pays, plus qu'il ne l'a jamais été, si nous l'acceptons sans explication, sans protestation:--Voici ce paragraphe:

"Que cette Chambre a l'assurance que les preuves qu'a données le

peuple du Canada, pendant cette période d'excitation et de malaise général de son amour de l'ordre et de son attachement à ses institutions, tendront à asseoir le crédit de la province sur une base plus solide, et à l'avancement de sa prospérité.

Voilà, monsieur l'orateur, à mon avis, le ministère libéral à peine monté au pouvoir, qui déjà fait un pas rétrograde, qui descend, qui se rabaisse jusqu'à jouer le rôle de ci-devant conseil du Lord Sydenham. Cet éloge sans mesure, cet éloge insensé, que nous font nos ministres, de la constitution bâtarde qui a été imposée au pays; cet éloge sans restriction de l'acte d'Union, met les membres du cabinet soit-disant libéral en contradiction directe avec eux-mêmes; elle contraste on ne peut plus avec leur passé, avec leurs protestations (quand ces protestations pouvaient leur profiter et les porter au pouvoir) contre l'acte d'Union. Rien de plus opposé, de plus contradictoire, que leur conduite d'alors, et celle d'aujourd'hui; que leurs déclarations sur les hustings et leurs déclarations du jour. Quoi! l'acte d'Union a-t-il donc subi des changements tels que nous devons maintenant donner une approbation entière à ce que nous avons été si unanimes d'abord à condamner? mais on veut faire contraster l'acte d'Union avec l'acte de constitution, qui nous régissait au paravant. On met ces deux constitutions en contraste, pourquoi? Pour prouver que celle-ci ne doit plus autoriser, soulever aucune réclamation.

Néanmoins, le 23 juin 1841, les membres libéraux de la Chambre d'alors, qui sont les mêmes que ceux d'aujourd'hui, qui votaient dans un sens en 41, et qui votent dans un sens contraire en 49, voulant toujours conserver néanmoins le même nom, ces mêmes membres libéraux s'exprimaient dans les termes suivants:

"Nous regrettons que la province du Bas-Canada, n'ait pas été consultée sur la constitution qui est substituée à celle qui existait par l'acte de 1791 et qu'il y ait des passages dans l'acte qui constitue actuellement le gouvernement des Canadas, qui sont contraires à la justice et aux droits communs de sujets britanniques."

(Signé,) Armstrong, Baldwin, Bouthillier,  
Christie, Hincks, Morin et Price.

Cette profession de foi si sage, était appuyée par les hommes mêmes, qui viennent nous dire, sans rougir, que la tranquillité du pays est due à la sagesse, à la supériorité de nos institutions! Et ces hommes-là veulent se faire donner le titre de libéraux, ils se plaisent à se le donner entr'eux! Ils veulent prendre le nom de libéraux maintenant encore, qu'il y a une contradiction si palpable, si flagrante entre leur doctrine d'alors et celle d'aujourd'hui. Loin de penser, comme eux, je trouve la constitution sous laquelle nous sommes régis extrêmement fautive, extrêmement mesquine, extrêmement tyrannique et démoralisatrice. Conçue par des hommes d'état, au génie aussi étroit que malfaisant, aussi petit, qu'était grand un de ceux, qui, dans des circonstances plus heureuses, avaient préparé l'acte de 91, elle n'a eu jusqu'ici, et ne peut avoir dans la suite que des effets dangereux, des résultats ruineux et destructifs. Je proposerai donc un amendement au paragraphe de l'adresse auquel je fais allusion.

Mais avant, je ferai remarquer, que ce sont des considérations singulièrement sordides, que d'annoncer pour récompense à un peuple, dont on approuve la tranquillité, dont on dit que sa tranquillité est



louable dans des circonstances extraordinaires, dans des circonstances, où le monde entier soulevé, comme sous l'effet d'un volcan, où l'on aurait pu en conséquence s'attendre à ce que cette sur-excitation, qu'il y a dans toute l'Europe, aurait pu avoir ici quelque retentissement; que d'annoncer, dis-je, à un peuple, ou plutôt que de lui dire: pour le prix d'une conduite si méritoire, dans des circonstances aussi difficiles, tu peux espérer que bientôt le crédit public va revivre! Pour des libéraux, qui l'eussent été dans le coeur, et non seulement sur les lèvres et à l'extérieur, il y avait bien d'autres conclusions, il y a des conclusions infiniment plus nobles, infiniment plus honorables pour le gouvernement et pour le peuple, à tirer de la tranquillité qui règne, je dirai à un degré lamentable, dans la province. C'est entr'autres que le peuple, qui savait ainsi aimer l'ordre, ne renonçait pas pour cela au désir d'obtenir plus de liberté, n'était pas insensible à l'acte d'Union des deux Canadas, mais que, pour prix de cette tranquillité, il méritait la confiance des autorités supérieures, que le temps était venu où l'on pouvait lui accorder de larges libertés. Puisqu'on nous invite donc aujourd'hui à louer ce qu'on a blâmé et repoussé courageusement dans d'autres temps, ce que, je suis sûr, que la grande majorité du pays condamne encore, c'est-à-dire l'acte d'Union; je ne crois pas que cette chambre puisse, en honneur, en conscience, voter ce paragraphe de la présente adresse, mais qu'on doit au pays, qu'on se doit à soi-même d'y substituer des amendements exprimant les vœux bien connus de la nation. Je lirai donc celui que je tiens ici, et que je crois approprié aux circonstances.

"Que cette tranquillité que le peuple des Canadas a su conserver au milieu de l'agitation profonde et générale qui a poussé les nations les plus éclairées de l'Europe aux plus nobles efforts, souvent couronnés d'heureux succès, pour changer et réformer leurs gouvernements vicieux, follement attachés à des usurpations surprises par la fraude et conquises par la violence durant la barbarie du moyen-âge, mais devenus intolérables et bientôt impossibles en présence de la libre discussion et des lumières du XIX<sup>e</sup> siècle; prouve que les canadiens de toute classes et de toutes origines se sont montrés amis de l'ordre à ce degré, qu'ils méritent d'être dotés d'institutions politiques beaucoup plus libres et libérales que ne l'est la constitution fautive qui leur a été imposée contrairement à leurs remontrances et à leurs pétitions réitérées contre la réunion des deux Canadas, sagement séparés, et pour leur mutuel avantage en 1791.--Que jusqu'à ce que le vœu philanthropique et judicieux de ce grand et prévoyant homme d'état, Charles James Fox soit accompli, c'est-à-dire, jusqu'à ce que nos constitutions aient été réformées par l'extension du principe d'élection à beaucoup d'autres charges et départemens que ceux où il prévaut; au point, disait-il, de ne nous rien laisser envier à nos voisins, nous n'avons pas plus de chance dans l'avenir que nous n'en avons eu durant un long et pénible passé, d'obtenir le bon gouvernement de la province, et par bon gouvernement, la prospérité générale et le contentement général des habitants..."

Il y a quelque chose d'étonnant dans la situation, que se font les partis dans ce pays. Ces années dernières, on a appelé au pouvoir un ministère tory; celui qui a été déplacé, il n'y a encore que quelques



semaines. A son entrée au pouvoir, il a préparé, suivant les habitudes, un discours au gouverneur. Qu'est-il arrivé? Le parti libéral, indigné de la manière d'agir de ce ministère, a répudié de toutes ses forces les vues contenues dans son discours; on n'a pu trouver d'expression assez forte pour le condamner, le ridiculiser. Eh bien! aujourd'hui ce parti libéral, si fier alors de ses droits, accepte en entier, le discours de ces hommes, auxquels ils avaient cru devoir faire de si amers reproches! On n'en a ôté que les mots: Otez-vous que nous prenions vos places!... Tout le reste convenait entièrement au parti libéral! Aujourd'hui ce qu'on a blâmé est approuvé. Il y a entente cordiale entre des hommes, qui s'étaient formés en deux partis. Le discours de nos ministres actuels est le même discours que celui du ministère tory, moins ce trait qui le rend plus illibéral encore que celui de l'année dernière. C'est cette lâche approbation, sans protestation aucune de l'acte d'Union. Le parti libéral compose un discours, qui convient en tout au parti tory, qu'il a tant méprisé, tant combattu!

Voilà un échange de compliments qui nous justifie bien, je pense, de dire qu'il y a autant de mal de part et d'autre; que nous ne pouvons rien attendre de mieux de ceux-ci que de ceux-là. Depuis que je suis de retour au pays, j'ai été à portée d'examiner les choses, d'étudier les hommes et je puis dire d'un côté que les torys sont meilleurs que je ne le pensais, et, d'un autre côté, que les libéraux sont loin d'être ce que je les croyais; que j'en ai une idée très inférieure à celle que je m'en étais formé.

Tout ce que ceux-ci ont dit contre leurs adversaires, on peut le leur répéter aujourd'hui. Il n'y a pas une seule des injustices que nos ministres libéraux ont reproché au ministère tory qu'on ne puisse aussi leur reprocher à juste titre. Ils ont imité tour à tour les fautes de leurs prédécesseurs, et quant à moi je dois l'avouer, je ne vois pas de différence essentielle, de différence marquée entre ces deux partis politiques, entre les torys et les libéraux. Je dois aussi dire, M. l'orateur, puisqu'on a voulu faire allusion à l'agitation qui prévaut par toute l'Europe, qu'on aurait dû, dans le discours du trône, insérer au moins quelques mots de sympathie en faveur des nobles et courageux efforts, qui viennent d'être faits en Europe contre les tyrannies, contre toutes les espèces de despotisme. Est-ce que nos ministres, s'ils entendent par le mot libéralité, ce qu'on doit entendre, s'ils ne lui donnent pas une signification, autre que celle qu'il comporte, une signification toute à leur usage particulier; est-ce qu'ils ne devaient pas concourir dans les sublimes combats des peuples contre leurs oppresseurs, dans les efforts d'hommes généreux, qui se dévouent à combattre le despotisme, pour lui substituer le principe démocratique des idées d'égalité et fraternité humaine; est-ce que ces hommes ne devaient pas obtenir de la part d'un cabinet vraiment libéral, une expression de sympathie et d'approbation? Quoi! l'on sait que la liberté, ce principe de vie des nations, ne régnait nulle part, qu'elle était partout foulée aux pieds que les grandes et belles luttes dans lesquelles on est entré, ont été entreprises pour reconquérir cette liberté, et on n'a pas dit un mot de sympathie pour la France, quand on voit une ligue puissante s'y établir pour renverser le gouvernement militaire qui tient ce noble empire dans l'oppression; et y

substituer un gouvernement libre et indépendant, des idées de liberté comme celles qui font le bonheur de la société américaine? Un ministère vraiment libéral, ou n'aurait fait aucune allusion à ce sujet, s'il n'avait pas la force et l'énergie d'applaudir à un peuple qui cherche à s'émanciper, à se procurer un gouvernement libre, ou il aurait eu des paroles de sympathie à faire entendre en leur faveur. Qui a pu observer l'état de l'Europe, sans s'apercevoir qu'il n'y a pas despotisme plus dégradant que celui qui régnait en Autriche; que c'était un gouvernement militaire des plus tyranniques, des plus méprisables. Eh! bien, notre ministère colonial n'a pas la force de dire que l'agitation qui a renversé un pareil gouvernement est heureuse! Mais l'Angleterre, dont vous admirez tous les procédés, consent à ce mouvement! Mais elle envoie des ambassadeurs pour aider les Siciliens à se soustraire de la domination malveillante, oppressive du roi de Naples! Pourquoi ne trouve-t-on donc pas une seule pensée de sympathie chez nos ministres? Oh! c'est, voyez-vous qu'ils veulent la tranquillité jusqu'à l'indifférence, à l'insouciance pour les libertés publiques; et que, profitant des antécédents anglais, ils viennent nous proposer de consacrer l'asservissement du pays, nous disant que la tranquillité, qui se fait remarquer en Canada, est due à l'attachement du peuple canadien pour ses institutions, qui ne sont que l'acte d'Union qui nous a été imposée par la violence; acte inique, qui n'a eu pour nous que des effets déplorables, et qui ne pourra jamais que conduire à notre asservissement.

Eh! ce sont des ministres libéraux qui nous proposent de pareilles mesures. Je leur demanderai donc de me dire, de me désigner quelle est la disposition de l'acte d'Union qui mérite l'approbation de qui que ce soit parmi nous? Le système de la représentation a été faussé sans l'ombre d'excuse dans cet acte arbitraire; les bourgs-pourris ont été multipliés sans réserve, et des ministres libéraux s'attachent à les conserver. Ils nous présentent une mesure de représentation où rien n'est changé, approuvant aujourd'hui, comme sur bien d'autres sujets, ce qu'ils avaient condamné dans des temps passés. Quiconque aurait, il n'y a que quelque temps, osé applaudir à l'acte d'Union n'aurait, à coup sûr, pas manqué d'éprouver leurs ressentiments, d'être en butte de leur part à d'amères reproches, à d'énergiques accusations. Quand, il n'y a encore que quelque temps, on signalait de toutes parts dans le pays des requêtes pour s'opposer à l'acte d'Union, pour témoigner l'indignation qu'elle causait au peuple Canadien, quiconque aurait pu souscrire à cet acte d'infamie, aurait perdu sans retour sa popularité, l'estime publique. Eh! bien, je demande à ces mêmes hommes, qui étaient alors si grands ennemis de l'Union, qui ont voté dans le temps contre cette mesure, je leur demande, je les sollicite dans l'intérêt public de vouloir bien seconder ma motion; je trouve parmi ces personnes, messieurs Christie et Price et beaucoup d'autres membres de cette Chambre. J'interpelle donc ces membres, s'ils tiennent le moins au monde à être conséquents avec eux-mêmes, s'ils entretiennent les mêmes idées quant au pouvoir qu'avant d'y être assis, de le démontrer, de le prouver en secondant ma motion. J'aurais probablement le chagrin de les voir se tenir en arrière, se refuser à ma demande. Eh! bien, si je ne trouve pas plus de courage, plus d'indépendance chez eux, d'autres hommes, peut-être, auront ce courage, cette indépendance;



auront assez de courage, et d'indépendance pour comprendre qu'on ne doit jamais être assez attaché à un ministère, assez servile à le servir, pour repousser, dans le seul but de lui plaire, une bonne proposition de quelque part qu'elle vienne!

On a beaucoup, M. l'orateur, blâmé le parti tory à cause de ses antécédents. Eh bien! je déclare ici que quand aucun des membres de ce parti, aussi bien que de quelqu'autre parti que ce soit, aura une bonne mesure à proposer, soit le rappel de l'acte d'Union, soit la réforme des dispositions vicieuses de cet acte, je serai toujours prêt à seconder sa mesure, à lui donner mon concours; sans regarder à quel parti ou à quelle origine il pourrait appartenir. Il me répugne de voir jusqu'à quel point les partis en Canada sont aujourd'hui liés, enchaînés, qu'on n'agisse jamais que d'après cette considération, que s'opposer à une mesure, c'est s'opposer au ministère, c'est lui nuire, ce qu'on doit bien se garder de faire. Tout a été sacrifié à cette misérable considération de conserver le pouvoir. J'ai toujours combattu pour le principe de l'élection populaire; j'ai toujours voulu une chambre forte et un gouvernement faible. On a établi par notre prétendu gouvernement responsable une digue contre ce principe démocratique, un principe contraire qui a déjà avili cette chambre, a avili le pays tout entier. Nous avons tout abandonné en faveur de quelques hommes, nous avons tout jeté sous leurs pieds pour les porter au pouvoir. Nous leur fesions ce sacrifice en leur qualité d'amis des libertés du peuple; et aujourd'hui, ils sont les premiers à s'opposer à ses libertés dont ils s'étaient faits les champions. Tout esprit d'indépendance et de liberté d'examen ou de discussion est par eux soigneusement étouffé.

Qu'y a-t-il donc de si beau dans cet acte d'union, pour qu'on s'y attache si fortement? Qu'y a-t-on donc découvert de si excellent qu'on n'y avait pas aperçu avant d'être monté au pouvoir?

Pour moi, je n'y vois que des infamies, je n'y vois toujours que des iniquités, toujours qu'une loi de proscription et de tyrannie contre mes compatriotes. Je trouve de l'injustice et de l'oppression dans chacune de ses dispositions. Ainsi, dans un pays nouveau, pauvre, dans un pays où l'éducation est rare (et, parce qu'elle est rare elle doit être appréciée plus qu'ailleurs,) dans un tel pays on doit laisser la liberté la plus entière dans le choix des représentants. On a voulu faire des qualifications qui n'existent pas, qu'on ne reconnaît pas en Amérique, qui ont été répudiées depuis longtemps. Le Président des Etats-Unis lui-même peut être élu sans qualifications de propriété, sans autres qualifications, enfin, que celle de son mérite, de ses talents et de la confiance publique. Et en Canada, il faut, pour avoir droit d'être élu membre de la chambre représentative, une qualification territoriale, une qualification de cinq louis. N'est-ce pas une absurdité?

On demande des qualifications pécuniaires pour les membres de la chambre d'assemblée, et l'on n'en demande pas pour les membres du conseil. Qu'y a-t-il dans des dispositions absurdes comme celles-là de si admirable que nos ministres viennent nous inviter à leur donner une approbation sans limite?

Le première garantie d'un bon gouvernement est une sage représentation; et ici il n'y a que l'homme riche qui puisse être envoyé en parlement par ses concitoyens; un homme sans propriété, eut-il toute l'énergie,



tous les talents, tout le patriotisme possible, ne peut jouir du même droit. Ne faudrait-il donc pas mieux que cet homme de talents, sans qualifications pécuniaires, occupât une place dans cette Chambre, plutôt qu'un mauvais citoyen, une personne incapable, avec ses cinq cent louis? Mais c'est l'habitude en Angleterre, et ça suffit à notre ministère libéral! Si on admet ici ce système, c'est qu'on veut toujours imiter l'Angleterre, c'est qu'on veut imiter à tort ou à travers, c'est qu'on a des affections, des goûts bien prononcés, pour tout ce qui tient des procédés anglais. Si une chose se fait en Angleterre, vite, il faut l'admettre ici, l'admettre sans considération, sans examiner si elle est fondée ou non en raison. Est-ce là encore une conduite qui mérite de l'approbation, qui fait honneur au jugement de nos ministres? certainement, non. Ce n'est pas là ce qu'il faut faire. Il ne faut pas être reconnaissant quand on vous maltraite. Maintenant, M. l'orateur, est-ce la disposition suivante qui plait tant à nos ministres, qui les attache si fort à l'acte d'Union? Cette disposition est celle qui veut que le Quorum de cette chambre se compose de 20 membres, et qu'ainsi le gouvernements (sic) avec une poignée d'amis, quand il le voudra, pourra passer toutes les mesures qu'il voudra. C'est là ce qu'on appelle du bon sens. Mais c'est la législation des âges de barbarie, c'est un système répudié par tous les jurisconsultes du jour. Je sais bien que dans la chambre des communes en Angleterre, il y a plus de 640 membres et que 60 forment un quorum, tant il est vrai que la rouille des siècles ronge ce gouvernement.

Mais tout cela n'est plus de notre temps, c'est de la vieillesse et quand on forme des constitutions de nos jours, dans l'âge actuel, on doit surtout éviter d'y laisser introduire de semblables abus, de si funestes dispositions. Dans toute l'étendue de la confédération américaine, il n'y a pas d'exemple qu'on laisse ainsi à une minorité le pouvoir de passer les lois les plus nuisibles, et d'enchaîner ainsi la société pour des années entières. C'est surtout dans un pays où le patronage de la couronne domine, comme dans celui-ci, qu'on doit se mettre en garde contre de pareilles velléités. Autrement, il sera toujours possible au pouvoir, de concentrer entre ses mains, pendant des sessions mêmes prolongées, toute la législation du pays. Il pourra toujours, il lui sera toujours facile de profiter de cette puissance d'action d'une petite minorité, pour législater comme il l'entendra et contre les vœux du pays. Dans tous les gouvernements, qui ont été constitués dans un siècle comme celui-ci, où l'on s'accorde à consacrer comme principe une égalité de droits entre tous les hommes, entre le pauvre et le riche, l'ignorant et le savant, et qu'en conséquence ces droits doivent être également défendus et représentés; dans tous ces gouvernements, on a reconnu comme principe général, universel, que le corps législatif n'était compétent à agir que quand la majorité était présente. Ainsi en France, dans la Belgique, aux Etats-Unis, partout où on a voulu laisser au peuple ses libertés, on a repoussé, on s'est bien gardé d'admettre des principes aussi évidemment illogiques, erronés, que celui de créer ainsi une minorité puissante, assez puissante pour disposer à son gré, même de l'avenir et du bonheur d'un peuple. Les autres dispositions du bill que l'on présente à notre approbation, sont simplement pour nous faire consentir moins tristement à payer les dettes

du Haut-Canada. On nous laisse entendre que ses travaux finiront par nous profiter; et c'est en dorant ainsi la pilule qu'on veut nous la faire avaler. Est-ce là la partie du bill, auquel on veut nous faire applaudir, qui est de nature à exciter le moindrement notre admiration? Ce paragraphe pourtant, si nous allions le voter, nous surprendrait, nous arracherait à notre insçu une approbation formelle d'un acte qui a si justement été regardé comme odieux, qui a été répudié comme tel par tout le pays. A l'époque où dans cette Chambre on a protesté contre l'acte d'Union, on doit l'avoir fait avec sincérité. Pourquoi donc, maintenant, que j'y suis, sans qu'il y ait eu de mon choix, que je n'y suis rentré qu'après avoir franchement déclaré à ceux qui voulaient m'y envoyer, que je préférerais ne pas y aller, que désirais vivre à l'écart; et qu'après avoir ouvertement donné les raisons pour lesquelles je ne voulais pas rentrer de nouveau dans la vie publique; pourquoi donc quand je dis que l'acte d'Union est injustice et que je protesterai toujours contre cet acte, pourquoi cette clameur si grande qui s'élève contre moi?

Ai-je fait autre chose que répéter ce qu'avait dit avant moi tous ceux qui dans cette chambre m'en font un crime aujourd'hui? Dans quels termes ne s'était-on pas récrié contre cet acte? A-t-on jamais trouvé d'expressions trop fortes pour le qualifier? De quelles expressions s'est-on servi quand on en a appelé au peuple du pays, quand on a voulu lui faire signer des requêtes contre cet acte odieux? Le manifeste du comité constitutionnel de Québec n'avait-il pas dit:

"Aucune considération quelconque ne devra nous induire à voter pour aucun candidat qui ne désapprouve pas l'Union et ses iniques dispositions; car en votant pour un pareil candidat, nous consentirions à l'acte, nous approuverions de ceux qui l'ont conseillé. Nous proclamerions notre propre DESHONNEUR, et nous déshonorerions notre propre pays en tendant le cou au joug."

Voilà ce que disait le manifeste de Québec et ce que tout le district de Québec a approuvé. Aurait-on pu, alors, prévoir que ceux même qui étaient à tête du mouvement, qui signaient ce manifeste, viendraient plus tard applaudir à cette Union qu'ils stigmatisaient comme infâme? aurait-on pu prévoir qu'ils seraient les premiers à applaudir à la mémoire de lord Sydenham? Si cet homme était aujourd'hui à la tête du gouvernement, pourrait-il désirer un autre discours comportant une approbation plus complète de sa conduite envers les Canadiens, que celui qu'on veut nous faire approuver dans le moment actuel?...Si donc, M.l'orateur, le pays tout entier a pu s'exprimer à la fois avec tant de force et de justice, contre un acte aussi abrutissant, pourquoi et de quel droit a-t-on mis tant d'acharnement et d'animosité à condamner celui qui ne faisait qu'exprimer, qu'énoncer avec moins de force les mêmes sentiments que ceux qu'on avait énoncés avant lui, et qu'avait approuvés le peuple canadien tout d'une seule voix? Pourquoi? Le voici: c'est qu'on savait que celui qui osait ainsi élever la voix pour crier contre l'injustice, était un homme sincère; qu'une fois que le devoir l'aurait appelé à faire connaître ses convictions, il ne les abandonnerait jamais; que ce ne serait pas une fois pour toutes, en 1841 qu'il aurait voté des résolutions, pour n'en plus parler dans la suite; mais que toujours, en toutes occasions, il ramènerait le sujet devant le pays,



et que le pays, finirait par faire rougir, par couvrir de mépris, ceux qui applaudissent, qui aident à son asservissement. Je proposerai donc, M. l'orateur, sur ce second paragraphe, l'amendement suivant. Peu n'importe qu'il soit appuyé ou non. J'ai toujours donné mes opinions sans considération pour qui que ce soit, sans que jamais aucun pouvoir aucune intrigue n'ait pu m'en détourner, toujours dans l'intention seule de les énoncer publiquement. Voici donc l'amendement que je propose à ce paragraphe. Je voudrais qu'après le mot ... les mots suivants soient insérés:

"Pourvu que cette augmentation, respectant les règles de l'aquité et de cette justice égale strictement due aux habitants de toutes les parties de la province indistinctement, répartisse la représentation en proportion des populations, et ne comporte pas le plan odieux justement repoussé par lord Durham, de donner un égal nombre de représentants aux deux provinces, en violation des principes de la représentation, par une injustice qui soulèverait contre ce projet l'opinion publique en Angleterre comme en Amérique, et qui, ainsi que le comité général de la Réforme et du Progrès de Québec, l'énonce aussi fortement que judicieusement, consacrerait l'oppression du Bas-Canada comme localité, l'oppression des Canadiens-Français comme race."

Je prie quelque honorable membre de vouloir bien me seconder; non parce que je veuille le faire se démettre de ses opinions en ma faveur, mais, afin que ma protestation puisse entrer dans le journal de cette chambre, je voudrais qu'il fût un homme qui voulût me rendre ce service, afin de me fournir l'occasion de faire connaître mon opinion à ce sujet et que, quand même j'aurais l'honneur d'être seul de cette opinion, elle fut bien contatée.

Ceci fait, M. l'orateur, je dis que la conclusion qu'on a tirée de la tranquillité du pays, devait être toute autre que celle qu'on en a tirée. Cette tranquillité donnait droit au peuple d'attendre justice de la part de son gouvernement. Je dis que cette tranquillité, au milieu de l'agitation profonde qui a poussé les nations les plus éclairées de l'Europe aux plus nobles efforts, pour réformer ou renverser des gouvernements attachés à des coutumes, devenues intolérables, impossibles, en présence de la liberté de discussion qui règne de nos jours, en présence des lumières qui se répandent de toutes parts, prouvent que les canadiens de toutes les classes sont amis de l'ordre, à ce degré qu'ils ont droit d'être dotés d'une constitution plus libérale que celle qui leur a été imposée par la force brutale d'une faction haineuse; et cela contrairement à leurs vœux fortement exprimés, contrairement à toute leur opposition contre l'Union des deux Canadas, sagement séparés, pour leur mutuel avantage.

Maintenant, je ferai remarquer à cette Chambre, que le discours, dans ce passage, nous dit que la tranquillité du pays doit avoir pour récompense le rétablissement du crédit de la province! Cette partie en particulier du discours est plus propre que toute l'agitation possible dans les assemblées publiques, plus propre que quoi que ce soit à détruire le crédit public. Si on avait voulu véritablement rétablir le crédit public, il aurait fallu donner ses suretés au peuple. Il fallait donc dire qu'on était libéral, mais non pas libéral et prodigue du revenu public; qu'on était libéral, mais libéral en ce sens qu'on donnerait une attention particulière à diminuer les dépenses du service



public, à réduire à un taux raisonnable les salaires des officiers de tous les départements; enfin, qu'il y avait de nombreuses économies de possible et qu'on était décidé à les faire. Il y avait d'autres considérations aussi qu'on pouvait faire valoir, qu'on pouvait mettre devant les yeux des habitants de la province pour donner au crédit quelques chances de se rétablir; il fallait dire que puisque l'Angleterre avait changé sa politique nous avions des réclamations à faire. Il n'y a que quelques années les lois commerciales anglaises étaient dans toutes les bouches. C'est alors que nous avons cru au système proclamé en Angleterre et que, sur la foi de ce royaume dont nous dépendons, ce qui est la cause de la gêne qui prévaut actuellement parmi nous, nous nous sommes engagés dans des entreprises de colonisation, établies sur un pied rien moins que fou. Nous avons contracté une dette de seize millions de piastres. Pourquoi? parce que nous disions: "puisque les blés canadiens sont reçus avec avantage sur les marchés d'Angleterre, il y aura un très grand commerce parmi nous, nous aurons la supériorité sur les habitants du voisinage, nous pourrons au moins rentrer avec eux en concurrence, nous sommes donc justifiés de nous lancer dans entreprises aussi coûteuses."

Il y a eu de l'erreur dans l'idée de faire ces canaux dans des dimensions d'ostentation et d'utilité. Il y a folie à croire que les vaisseaux européens se rendront jamais par nos canaux, jusqu'à une distance si considérable. Le cours des eaux, les vents, tout leur est contraire, et rendra toujours leurs voyages trop longs et trop coûteux, pour qu'il n'y ait pas la rêverie dans cette idée, d'entreprendre la confection de canaux si vastes, pour permettre aux vaisseaux d'Europe de se rendre jusqu'aux lacs. Non cela n'aura jamais lieu; je le dis sans crainte, parce que tout me prouve que c'est impossible. La continuation de la navigation de notre fleuve jusqu'à Kingston ne pourra jamais ainsi se réaliser avec profit, et toutes les dépenses faites dans ce but, étaient un acte de folie. Mais l'Angleterre n'a pas été plus sage, elle a applaudi à notre folie, elle nous y a poussé, en nous promettant une protection qu'aujourd'hui elle nous retire.

Eh! bien, il fallait dire à l'Angleterre que si elle reniait ainsi, nous ne pourrions jamais faire face à nos engagements. C'est elle qui profite de ces changements dans ses lois commerciales; c'est nous qui devons en souffrir; devons-nous en payer les dépenses? Ce changement de politique est fort sage pour l'Angleterre; son peuple ne peut manquer d'y gagner; mais, comme c'est à son invitation, d'après ses promesses que ces travaux publics ont été entrepris, je dis qu'elle doit se charger des dettes qu'ils nous ont coûtées, puisqu'elle nous met, contrairement à sa parole, dans l'impossibilité d'en profiter. Sans cela, jamais notre crédit ne pourra se rétablir. L'intérêt de cette somme a ajouté à nos dépenses, et quoique nos taxes aient été doublées, nous en sommes réduits à un système de crédit qui va de pire en pire. Quand viendra le remboursement de la dette publique, quelles seront nos ressources? Auparavant les Canadiens pouvaient vendre leurs blés avec profit sur les marchés anglais; aujourd'hui, ils ne le peuvent plus. Déjà même les marchands des Etats-Unis vont acheter les grains et les farines du Haut-Canada, et trouvent moyen de se rendre sur les marchés

anglais avant que nous puissions y arriver. Nos canaux sont donc inutiles? Les canadiens du St. Laurent sont aujourd'hui ce qu'est le canal Rideau, entrepris lui aussi sous l'inspiration de l'Angleterre. Cette entreprise du canal Rideau, parce qu'elle a été faite sur une échelle trop vaste, ne vaut rien du tout, et il en est de même de nos canaux du Saint-Laurent. Nous devons donc dire à l'Angleterre: nous ne voulons ni de vous ni de vos dons; vos dons seraient la ruine.

Le sort du Canal Rideau nous dévoile le sort des canaux du St. Laurent. Déjà les blés du Haut-Canada passent en Europe par l'Etat de New-York. Ils ont déjà commencé à prendre cette route, quoi qu'ils aient encore des droits assez élevés à payer. Au premier février prochain il n'y aura plus la moindre protection en notre faveur, et les Etats-Unis seront mis sur le même pied que nous sur les marchés anglais. Encore cette loi est sage de la part de l'Angleterre. Ses ouvriers qui, avec quatorze heures de travail par jour ne peuvent à peine suffir à leur subsistance, s'en trouveront soulagés. C'était un acte de justice qui était dû à la masse du peuple de la Grande Bretagne, pour qui ces lois haussaient le prix du pain. Une bonne administration ne peut donc qu'approuver la conduite du gouvernement anglais en cette circonstance. Nous n'avons pas le droit de demander qu'en Angleterre la classe ouvrière souffre pour nous enrichir. Cette politique du gouvernement métropolitain a été juste pour le peuple anglais, mais injuste pour nous, et nous avons droit de nous en plaindre. La libre navigation, et la compétition entre les vaisseaux qui viendront chercher nos produits, nous donneront un léger soulagement. Cesera un gain pour le cultivateur; mais nous ne pouvons pas nous flatter que, même avec la libre navigation et la compétition entre les vaisseaux étrangers, nos canaux soient jamais capables de réaliser les espérances qu'on veut bien en attendre.

L'Etat de New-York est cinquante fois, est cent fois riche comme les Canadas-Unis. Il est en voie de racheter sa dette. Il a tiré de ses canaux près de quatre millions de piastres, dans le cours de l'année dernière, tandis que nous en avons à peine tiré cinquante mille louis. Eh! c'est avec des chances si inégales que nous voulons tirer d'un si riche état des profits qu'il a su se donner? Nous n'y réussirons jamais. Les habitants de l'Etat de New-York ont bien plus que nous les moyens de soutenir la concurrence. Je traite donc tout cela de conte jaune, et de projets misérables.

Nous obtiendrons, je le souhaite, la liberté de la navigation sur le Saint-Laurent. Mais supposé même que nous l'obtenions, il n'en est pas moins vrai de dire que les américains, au moyen de leurs chemins de fer, peuvent transporter facilement à New-York, tous les produits de l'Ouest, sans prendre la voie du Saint-Laurent. Mais dans le cas même où les américains auraient besoin de cette liberté de navigation et qu'on la leur accorderait, ils ne se fieront pas à la promesse du gouvernement colonial; ils traiteront avec l'Angleterre, et ils diront, puisque cette mesure est aussi utile pour l'Angleterre que pour nous, nous ne voulons pas qu'elle soit sujette à varier tous les jours, à changer avec les partis en Canada. Le gouvernement aura bien la sagesse de stipuler que cet avantage devra durer longtemps. Eh bien! s'il était vrai qu'une partie du commerce des américains prit la route



du Saint-Laurent, est-ce qu'il n'y aurait pas moyen pour eux d'attirer de ce côté tous les revenus, en construisant des canaux qu'ils pourraient faire à meilleur marché que nous?

Il arriverait alors ce qui est arrivé pendant que nous faisons ces canaux. Nous les croyions indispensables; on a étudié les chenaux, et depuis, l'on a vu passer des vaisseaux de cent-cinquante tonneaux dans ces mêmes chenaux que l'on n'aurait jamais cru pourvoir naviguer.

Il en sera de même des canaux du Saint-Laurent; plus on y réfléchira, plus on sentira l'inutilité; plus on étudiera et plus les facilités de contrebalancer les avantages naturels du Saint-Laurent, seront augmentées, et nos canaux ne pourront ainsi jamais être profitables. Ainsi, dans ces circonstances, si les ministres avaient voulu relever le crédit public, ils auraient dû parler d'économie d'abord, montrer que la dissipation jusqu'ici avait régné à un degré effrayant, mais que dorénavant l'économie allait être à ordre du jour; que les places allaient être diminuées en nombre, que les salaires allaient être réduits; enfin que l'ordre et l'économie en tout allait être substitué au désordre et à la prodigalité, dans l'administration des deniers publics.

Voilà les observations que j'avais à faire sur ce paragraphe de l'adresse. Il en est beaucoup d'autres qui demanderaient à mon avis, des améliorations, des amendements. Néanmoins, je laisse à d'autres de les proposer; il me semble que d'autres doivent prendre à tâche de rendre moins imparfaite cette oeuvre misérable. Quant à moi, je ne proposerai d'amendement que sur ce que j'y trouve de plus vicieux; ainsi j'en proposerai encore sur le paragraphe qui parle de la représentation, et je me permettrai de l'accompagner de quelques réflexions. Cet amendement, il n'y a pas bien longtemps, n'aurait certainement pas manqué de trouver des approbateurs dans plusieurs des membres qui vont aujourd'hui s'y opposer dans cette chambre. Je veux que mon vote ne puisse pas paraître avoir été ajouté à une proposition qui me répugne, que je regarde comme déshonorante, sans que je j'aie paru avoir fait des efforts pour m'y opposer. Je propose donc qu'après les derniers mots du paragraphe du discours, qui a rapport à la représentation, on ajoute l'amendement que je viens de lire.

Sur cet amendement, M. l'orateur, ce que j'ai à dire, c'est que je suis profondément étonné, quand je vois que dans un siècle de lumières comme celui-ci, on voile ainsi les lois fondamentales de la justice; qu'on ne veut pas suivre chez des ministres libéraux, au moins de noms, l'exemple de tous les gouvernements du jour. Tous les hommes vraiment éclairés du siècle s'accordent à dire que c'est la population qui, dans tous pays bien constitués, doit servir de base à la représentation. Il y a donc lieu ici de reprocher à ceux qui se disent les amis des canadiens, qu'ils n'aient pas eu d'égards, de considération pour toutes ces opinions, pour ce principe de justice, de l'avoir rejeté pour s'en tenir à leurs propres idées, idées aussi funestes que rétrogrades. C'est depuis l'établissement de la confédération américaine qu'il a été consacré en principe que la représentation, pour être juste, devait être basée sur la population. Depuis ce temps la France a adopté ce plan de proportionner la représentation à la population. La Belgique, la Hollande ont aussi consacré ce principe, mais il y a plus, puisque nous



voyons le roi de Prusse obligé de céder à la force des tems, après avoir voulu opprimer le peuple, reconnaître lui-même ce principe.

Pourquoi donc le Canada ferait-il une exception à cette règle générale qu'adopte (sic) tous les gouvernements qui tendent à sortir des routines du moyen âge? C'est parce que nous avons un ministère libéral; parce que nos ministres veulent concourir dans la gloire de l'acte d'Union; parce que ce sont bien les sentiments même de Durham qui les tiennent à la gorge. C'est qu'ils ne veulent pas faire de réformes, sans que ça soit selon les vues de ce grand homme. Oh! alors ils sont braves. Nous voulons des réformes, mais nous ne voulons pas courir le risque de demander quelque chose d'utile au pays, quand nous ne sommes pas sûrs d'avance, d'avoir l'approbation du gouvernement métropolitain.

Je dis donc, M. l'orateur, que le discours soumis à notre adoption aujourd'hui, qui est une édition stéréotypée de tous les discours antérieurs; qui n'est pire, ni meilleur que celui de l'année dernière; qui est accepté volontiers par les hommes à qui le ministère actuel faisait de si grandes reproches, pour les forcer à s'ôter des places qu'ils occupaient; je dis; que ce discours stéréotypé, qui a convenu, qui convient et qui conviendra encore à tous les ministères formés sous notre constitution, devra convaincre tous les hommes bien pensants, tous les amis de la liberté, qu'il sera toujours plus sage pour eux de ne pas faire partie d'un gouvernement comme le nôtre, que d'en faire partie. Il y a longtemps que j'ai cru et que j'ai dit, que lorsque les hommes qui, pendant une longue suite d'années de combats soutenus pour la défense de la patrie, avaient acquis une popularité justement mérités, leurs services ne devaient pas être donnés à l'Angleterre pour lui aider à faire fonctionner un acte destructeur, dirigé uniquement dans un esprit de vengeance contre leurs compatriotes; un acte qui leur avait été imposé dans un tems de colère et de haine par des hommes animés par la violence. Ils devaient conserver leur force et leur énergie pour pouvoir dire au peuple canadien, il y a eu un tems où la raison et la justice n'ayant pas la liberté de se faire entendre, nous avons gardé le silence et nous avons dû vous engager à en faire autant. Lorsqu'il n'y avait pas moyen de remédier à des maux extrêmes, nous avons dû nous taire, parce que nous ne pouvions pas faire autrement. Aujourd'hui le gouvernement civil est rétabli, vous jouissez de vos droits de sujets anglais, vous êtes réintégrés au moins, dans la liberté d'en réclamer la jouissance, dans la liberté de dire que vous avez une constitution plus défectueuse que jamais colonie Anglaise n'en a été dotée et que vous voulez en avoir une meilleure; c'eut été le moyen d'obtenir la réforme de la constitution vicieuse qui nous régit.

Une constitution comme celle-là ne peut pas se soutenir contre la force d'une libre discussion. Alors le peuple se réveille, il n'y a plus à craindre que sa tranquillité aille jusqu'à l'apathie, et que cette apathie passe en maxime politique. Quand on dit au peuple, vous avez des droits à réclamer; au nombre de ces droits est une représentation qui sera fidèle interprète de vos sentiments; au lieu de l'effrayer par le souvenir d'événements malheureux, le peuple se réveille et se fait accorder ses droits. Et ici, je dois rentrer dans quelques détails,

vû que je crois qu'on a trompé l'opinion publique et que nos ministres, par l'acceptation du pouvoir, font plus en faveur de la concentration des autorités et de l'oppression du peuple, que l'ancien gouvernement n'a fait pendant de longues années. Pourquoi n'y a-t-il pas plus d'indépendance dans cette chambre? c'est parce que les dépenses sont augmentées, c'est parce que (sic), quand pour plusieurs millions d'habitants, l'Angleterre ne dépense qu'un million, on fournit dans la proportion de six fois autant en Canada, sur les dépenses publiques.

En Angleterre les hommes indépendants ont toujours réclamés (sic) contre l'influence indue que la couronne exerçait. Pourtant cette influence est nulle, comparée à ce qu'elle est en Canada. Est-il possible qu'en présence de moyens de séductions, aussi patents que ceux que possèdent ici le pouvoir, on ne s'alarme pas un peu, et qu'on ne dise pas, que le patronage de la couronne devait être restreint? Un ministère comme le nôtre, je le répète, accomplit l'oeuvre de Sydenham. Il n'a aucune force pour le bien, mais beaucoup pour le mal, il n'a aucune force pour le renversement des abus, mais beaucoup pour l'asservissement de ceux qu'il gouverne. Je vois avec effroi des bills de judicature qui tendent à augmenter le patronage de la couronne et je sollicite les membres du ministère de me dire quelles sont les dispositions de cette mesure. Si, en introduisant ce bill, on voulait bien nous dire que pas un des membres de cette Chambre ne pourra être fait juge pendant le parlement pour lequel il aura été élu, je dirais, voilà un ministère vraiment libéral, un ministère qui reconnaît que ce qui doit le guider dans la passation d'une mesure n'est pas la considération de l'avantage ou du désavantage qui doit en résulter pour ses amis, mais des avantages qui doivent en résulter pour le pays.

Le principe que j'invoque ici n'est pas nouveau, il est conforme aux usages suivis aux Etats-Unis. On y a reconnu qu'un membre de la représentation ne pouvait pas profiter, tant qu'il est membre, des bills qui créent de nouvelles charges. C'est en effet créer des moyens de séductions et je crois qu'on a droit d'attendre une toute autre mesure de la part de nos ministres; s'ils nous permettaient cela, j'aurais alors un peu plus de confiance dans leurs mesures.

Si nous passons à l'examen de la conduite du ministère depuis sa nomination, nous n'avons pas non plus lieu de nous en applaudir. C'est du moment qu'il est monté au pouvoir que j'ai vu qu'on voulait nous demander cette approbation avilissante et sans condition de l'acte d'Union et c'est de ce moment que je résolu, de ne plus donner ma confiance à des hommes sur de simples promesses, mais de toujours juger les hommes d'après leurs actes.

Toutes les bonnes mesures qui seront présentées soit par mes amis ou par mes adversaires, auront mon appui, mais toutes celles qui tendront à restreindre les libertés publiques seront par moi repoussées, et quoique ma marche puisse être isolée, je ne craindrai ni regretterai jamais de présenter une mesure, de soutenir une doctrine que j'aurai lieu de croire juste et qu'on n'aura pas refuté, et de plus je ne regarderai jamais si je suis seul ou non pour la soutenir. C'est au peuple à décider si elle est bonne ou mauvaise. Quand à la conduite du ministère, nous devons voir avec peine que dès sa première formation il a mis le Bas-Canada dans l'infériorité vis-à-vis du Haut-Canada; infériorité



où on ne devait pas placer les habitants du Bas-Canada, en tout aussi bons, aussi respectables que ceux du Haut-Canada. Le Haut-Canada est représenté par quatre membres dans le cabinet, le Bas n'est représenté que par deux membres. Eh bien! il y avait plus d'une raison à ce qu'il y eut au moins égalité.

J'ai déjà fait remarquer que le choix du président d'une banque comme membre du ministère était une démarche que n'aurait (sic) pas dû imiter des personnes qui avaient blâmé la même conduite chez d'autres; ce n'est pas là une réflexion contre des particuliers, c'est une réflexion contre un ministère qui agit d'une manière quand il n'est pas en charge et d'une autre quand il est au pouvoir; c'est une erreur qu'on avait reprochée à d'autres et dans laquelle il ne fallait pas tomber.

Mais il est un autre département à la tête duquel il était désirable de voir un canadien et non pas un anglais. Cela n'est pas non plus une réflexion contre le ministre de ce département, il n'en est pas envers qui je sois mieux disposé. Je veux parler du commissaire des terres, mais un canadien-français devait avoir cette charge là. Pourquoi? Parce que pendant trente années on a suivi un système, sous l'ancien gouvernement, qui tendait constamment à interdire l'entrée, dans les townships de l'est, aux franco-canadiens. D'immenses concessions de 3 à 4,000,000 d'apents de terre ont été faites, presque exclusivement aux habitants d'origines étrangères. Eh bien! c'est parce qu'une personne d'origine canadienne française eut été plus apte à remédier à de semblables abus, que ce département devait être donné à un canadien. Le public ne peut pas avoir le même degré de confiance dans l'administration de ce département, que s'il voyait à sa tête un de nos compatriotes; on nous devait cela; pourquoi ne l'a-t-on pas fait? c'est qu'on est à la remorque du Haut-Canada, c'est qu'on se soumet à tous ses caprices et l'intérêt du Bas-Canada est sacrifié dans cette occasion comme dans tant d'autres.

Je trouve un vice dans la formation de notre ministère, j'en trouve bien plus dans ses actes. Il n'y a rien de plus important dans un pays que d'inspirer la confiance dans les cours de justice et je crois qu'on a tout fait pour diminuer la confiance dans les nôtres. Depuis le système qui été introduit, d'après ce qu'on se plaint à appeler "gouvernement responsable," et dont on n'a que l'ombre imparfaite, les partis tour à tour, ont nommé comme juges les hommes les plus fortement lancés sur l'arène parlementaire; c'était tandis qu'on était encore tout bouillant, tout fatigués des discussions parlementaires, qu'on passait, d'un bond, de la chambre sur le banc. Si on eût su ce qu'était un véritable "gouvernement responsable," on eût compris qu'il eût mieux de prendre les juges hors de la Chambre. Cette chambre ne doit pas être un marche-pied pour parvenir aux emplois, surtout aux places de juges. Il n'y a que peu de tems que je suis de retour dans le pays et que j'ai pu étudier la nouvelle marche de nos affaires publiques, et je vois plus de cinq personnes sorties de la Chambre pour aller siéger dans les cours de justice. Les juges siégants, le corps des avocats ont-il pour cela été consultés? non! mais cela était du "gouvernement responsable," ça suffit! Pourtant le respect pour les juges, pour le barreau tout entier ne demandaient-ils qu'on vint au moins les consulter sur le choix des juges nouveaux.



Je ne m'entendrai (sic) pas sur l'acte d'Union. C'est un contre bon-sens qui nuit également au Haut et au Bas-Canada, qui met les membres de l'une et de l'autre province dans la plus étrange position. C'est ainsi que les membres pour le Haut-Canada ne peuvent pas comprendre ce qui nous intéresse et qu'ils sont obligés de législater sans connaissance de cause pour nous, comme nous le sommes pour eux. Avec un pareil système, tous les jours il y aura des fautes grossières de commises et nous serons sans cesse dans la nécessité de défaire un jour ce que nous aurons fait la veille, tant il est difficile, impossible même, de bien législater pour deux peuples différents de races, de moeurs, de caractères et disséminés sur une aussi grande étendue territoriale.

Un ministère vraiment canadien, vraiment libéral, sentirait que pour perfectionner nos lois, qui ont le tort d'avoir trois cents ans d'existence, il faut avoir recours aux lois françaises. Un ministère libéral ne devrait-il pas penser à nommer une commission pour reviser notre code de lois en entier et le modeler d'après le code français. Le Haut-Canada, s'il a besoin de réformes, doit avoir recours aux lois anglaises et à celles des colonies voisines qui ont corrigées les lois anglaises d'une manière admirable. Voilà où il nous faut aller puiser nos lois, si nous voulons les avoir bonnes, c'est une folie pour nous de vouloir bien législater à la fois pour le Haut et le Bas-Canada.

Quand à la nomination des juges pour le Bas-Canada, on ne peut pas dire autrement, il y a eu des scandales! Je parle ni contre le caractère ni contre les hommes qui ont été nommés, mais je dis que ce sont des considérations très mesquines qui les ont fait choisir, que c'est de la témérité et que cela tend à n'inspirer aucun respect pour la justice. La première nomination est celle du juge qui siège à Québec, qui l'année dernière était membre de cette Chambre. Il a été porté au ministère avec la confiance que ce serait à la Chambre qu'il rendrait ses services pendant quatre ans. En acceptant le pouvoir, il en prenait facilement l'engagement. A peine s'est-il écoulé quelques jours depuis son entrée au ministère, qu'il accepte la place qu'il occupe maintenant. Fait ministre, il se rend à Québec et dit: je viens solliciter vos suffrages, j'ai la confiance du peuple et de la couronne, je demande la réélection. N'était-ce pas là prendre l'engagement solennel vis-à-vis du peuple de le servir en Chambre? Comment donc s'expliquer le fait singulier qui, peu de semaines après, porte ce ministre à dire à ses collègues "je m'ennuie de vous, je veux devenir juge? Il me semble qu'il y a objection à ce qu'il devienne juge dans de semblables circonstances. Il avait pris sur lui la responsabilité de servir comme ministre pendant quatre ans. Oui, mais nos ministres trouvent toujours moyen de se tirer d'embarras. Il y avait probablement quelques dissensions dans le conseil et il fallait bien y rétablir l'unanimité. Eh bien! sois juge, mais cela n'est pas assez. J'ai mes plaisirs, j'ai mes affections à Québec, mais le banc à Québec est rempli, les juges ont droit de rester dans leurs charges, ils remplissent bien leurs devoirs, tout le monde en est content. Oui, mais vous avez des juges complaisants, ils me donneront leur place pour vous faire plaisir.

On ne pouvait donc créer ce monsieur juge qu'en commettant une injustice. C'est vrai, mais il était trop pénible de la garder, il fallait

donc lui trouver une place à Québec. C'était montrer que, puisqu'on avait le pouvoir, on était décidé à l'exercer avec toutes ses prérogatives, avec moins de réserve qu'un ministère tory qui n'aurait pas fait la proposition qu'on nous fait aujourd'hui. Nous avons plus à craindre avec un ministère libéral fort, qu'avec un ministère tory faible et obligé à toute la prudence. Ceux qui sont au pouvoir aujourd'hui ne sont obligés à aucunes précautions, ils usent de leurs facultés, ils n'en prennent aucunes. Je ne permettrai jamais l'ombre de réflexion sur ceux qui sont hors de cette chambre, je dirai au contraire que le juge qu'on a amené ainsi de Québec, en encourant les disgrâces d'un gouvernement brutal dans une occasion bien connue, souffrant sa destitution plutôt que de se rendre coupable de servir d'instrument dans les affaires politiques contre les compatriotes, s'est attiré l'estime inaliénable de ses concitoyens; je respecte donc le juge qui a été amené ici, et je dis que sa conduite, lors de nos troubles politiques, mérite la plus haute approbation, mais je dis aussi que rien ne peut faire pardonner à un ministre de qui on avait droit d'attendre tant de bien, d'avoir été ainsi chercher ce juge à Québec et lui avoir fait abandonner une place qu'il remplissait si bien, dans le but seul de se rendre aux sollicitations d'un ami, d'un collègue tracassier. On a porté l'esprit de complaisance et d'intrigue jusque sur le banc. Le remplacement était réglé par une loi spéciale et les deux juges puisnés qui ont refusé au ministère de céder leur droit à la préséance, ont montrés (sic) qu'ils avaient du respect pour eux-mêmes et pour le barreau. On ne consulte pas le banc, quand il s'agit de quelque combinaison politique. Les juges sont pourtant des personnes qui auraient droit aux égards du cabinet, s'il ne s'imaginait pas qu'il doit tout régler, tout conduire. Quelles ont été les conséquences de cette conduite de nos ministres? C'est que l'administration de la justice est souffrante, c'est que le juge est payé et qu'il ne fait rien, c'est que si la décision des autorités métropolitaines est rendue contre lui, il se trouverait le dernier sur le banc. Et l'on dira n'avoir pu empêcher tout cela? C'est un acte où il manque au moins quelque prudence.

Il est bien d'autres détails dans lesquels on pourrait suivre les écarts de l'administration, mais je crois avoir pour le moment occupé assez longtemps l'attention de la Chambre, je m'arrêterai donc ici, sauf à me reprendre si cela devient nécessaire dans la réplique. Je dois néanmoins dire avant de terminer, que ce ministère tory, dont je pensais tant de mal, et ce ministère libéral dont j'espérais tant de bien, ont tous deux également trompé mes espérances et mes craintes. Du moment que j'ai connu notre ministère libéral j'ai commencé à dire qu'on n'avait rien de bon à en espérer. Dès lors on a abusé contre moi de la facilité que l'on avait de conduire la presse. On a tout faussé; on a dit et répété jusqu'à satiété un fameux "TAISEZ-VOUS," qui rendra nos ministres immortels, à défaut de quelque chose de mieux. "Taisez-Vous! s'est-on écrié; une discussion franche et libre pourrait briser notre parti, et le bien ne peut résulter que de l'Union entre tous les membres de notre parti."

La presse canadienne avait été arrêtée lors des malheureux événements de 37; des propriétaires avaient été maltraités, emprisonnés de la manière la plus inconstitutionnelle, par l'ordre d'hommes aussi stupides que sanguinaires. Mais depuis l'ordre avait été rétabli, et la presse n'avait



pas tardé à se relever. La presse libre du Bas-Canada a été reconstituée. La Minerve a reparu au même rang où l'avait (sic) élevé son patriotisme et son indépendance, dans des temps de lutte vigoureuse entre le peuple et un gouvernement injuste. Il n'y a eu dans ce premier moment de rétabli aucune presse qui ne se soit donné (sic), pieds et mains liés, au ministère. Depuis ce temps toute cette presse n'a cessé d'être conduite par l'inspiration des ministres qui ne l'ont rétabli qu'à la condition formelle qu'elle serait leur organe en tout et partout, qu'elle dirait tout ce qu'ils désireraient et rien autre chose. Si en s'attachant à cette presse, on n'eut eu pour but que d'avoir une organe pour exposer et développer les vues du gouvernement; il n'y aurait eu là-dedans rien que de louable; de pareilles presses se voient dans tous les pays. Mais on ne s'en tint pas là, on s'en est fait une arme, un moyen d'injure et de calomnie contre tous ceux qui ont osé différer d'opinion avec notre ministère libéral.

Il ne s'est pas trouvé de presses indépendantes dans lesquelles un seul mot de défense ait été dit en faveur des hommes les plus odieusement calomniés. Ce système a donné une force extraordinaire, une force sans contrôle aux chefs du parti libéral. Ne voyant que des journaux à leur solde, le système de l'injure et de la calomnie a été par eux mis à l'ordre du jour. On a endormi l'opinion publique, on a démoralisé le pays; on a accoutumé les lecteurs des journaux, non pas à juger par eux-mêmes, à peser les raisonnements, mais à croire aveuglement à toutes les flatteries qui étaient données à leurs patrons. Et non seulement l'opinion publique a été faussée, mais elle a été entièrement paralysée. Ce règne est fini, il y a déjà deux papiers indépendants qui ont une circulation aussi grande que la circulation des journaux ministériels. Il faudra donc, malgré l'exclusivisme qui est encore à l'ordre du jour, qu'il y ait liberté de penser et de discussion, parce que les hommes qui voudraient s'en tenir à un système d'exclusivisme aussi absurde ne pourraient jamais ni garder le pouvoir, ni tromper d'avantage le public.

Il faudra toujours en revenir à la liberté de discussion, c'est le seul moyen qui puisse donner de la durée à un gouvernement et qui puisse faire prévaloir ses idées. Eh bien, c'est dans cette période d'exclusivisme que le ministère précédent a été attaqué avec une force et un acharnement qui ne pouvait pas être celui des éditeurs de journaux, eux-mêmes. Nous connaissons ces éditeurs, nous savons qu'ils ne sont pas de taille à faire peur. Derrière ces éditeurs, il faut chercher et on ne trouve ceux à qui profitait la calomnie. A qui cette infâme profite-t-elle? On sait bien que ce n'est pas aux éditeurs de ces journaux, mais à ceux qui les poussent et les soudoient. Dans toutes ces calomnies qui ont été volontairement répétées par la presse ministérielle, qui, lorsqu'on l'a convaincue de mensonge, n'a jamais eu le courage de se rétracter, il faut ne pas voir que ces minces éditeurs que ne font que mettre les matières ensemble, et rapprocher des types d'imprimeries, mais il faut voir dans les auteurs de ces écrits ceux qui se disputent le pouvoir, et qui pour s'en arracher les dépouilles ne reculent devant aucune indignité.

Je ne répondrai qu'à quelques une de ces calomnies. L'honorable M. Viger est un homme que je n'ai pas approuvé, on le sait. Ceux qui l'ont attaqué savaient que quand j'étais à Paris, j'avais blâmé sa



conduite, que j'avais dit qu'il était dans une erreur qui certes n'était pas plus coupable que celle qui a fait accepter le pouvoir à nos ministres. C'était la même erreur. Il n'avait accepté le pouvoir que comme cédant à la nécessité. Ses successeurs, en acceptant leurs portefeuilles, ont fait la même faute. Si on croyait qu'il avait tort, il fallait argumenter et non pas injurier. On s'est contenté de répéter que M. Viger s'était vendu pour £40,000; on n'a pas essayé de prouver ce fait. Ceux qui dirigeaient la presse, savaient que c'était un mensonge. M. Viger avait nié leur avance, c'était à eux à le prouver. Quand on fait dire à la presse de pareilles choses, il faut être prêt à les soutenir. Mais ici, l'on ne se sert que de la calomnie et on a continué ce système sans rien prouver. Le même homme a été attaqué sous un autre rapport; on a dit, pour le perdre, qu'il était ennemi de la religion de ses compatriotes, qu'il était protestant. On savait néanmoins que ce monsieur est un homme religieux, infiniment plus religieux que ceux qui le calomniaient. Je ne veux ici faire de reproche à personne, je respecte toutes les opinions sincères; elles ont droit au respect et je ne dis pas cela pour donner de la valeur à M. Viger, mais je dis que ceux qui portaient contre lui de pareilles attaques disaient un mensonge honteux et qu'en recueillant les fruits, ils nuisaient à la réputation d'un honnête citoyen. Il avait fait honneur à son pays et devait être respecté, au moins pour ses services passés, il ne devait pas être calomnié.

Ceux qui publiaient ces calomnies savaient très bien que M. Viger était plus catholique et plus religieux que plusieurs de ceux pour le plaisir et le profit desquels on publiait ces indignes reproches. S'il tombait, on montait à sa place. Il ne fallait pas être scrupuleux pour emporter au plus vite un poste si convoité. C'est cela qui était une indignité, et j'ai eu raison de dire que le scandale était plus choquant quand il paraissait dans les Mélanges dits Religieux, parce que M. Viger était un des bienfaiteurs de l'établissement. L'on croit avoir suffisamment répondu en disant quoi, êtes-vous si ami de votre famille, si peu ami du bien public, si ennemi de la liberté d'examen, que parce que M. Viger homme public aura fait quelque bien à l'Evêché, l'on n'ait pas le droit de le condamner quand il a tort? Oui, certes, cette liberté doit rester entière pour M. Viger, pour l'Evêché, pour chaque citoyen, grand ou petit, ecclésiastique ou laïc. Mais la liberté de mentir et de calomnier n'existe pas pour personne, pas plus pour l'éditeur des Mélanges dits Religieux que pour qui que ce soit au monde. Je n'ai rien dit autre chose et pour excuser la calomnie contre M. Viger, l'on est forcé de dénaturer ce que j'ai dit, d'employer la calomnie contre moi, de ne pas sortir d'un système coupable et ordurier, qui a profité à quelques ministres dans le passé qui les tuera dans l'avenir et peut-être par l'Avenir, dès que la discussion deviendra argumentative.

Au reste quand, je dis que M. Viger est très religieux, et que quelques uns de ses rétracteurs l'étaient très peu, ce n'est pas pour le louer, ce n'est pas pour le déprécier quand à leurs opinions, mais oui, bien quand à leur conduite à son égard, puisqu'elle est une combinaison de calomnie et d'hypocrisie, le plus ignoble de tous les genres de mensonges. Représentants de tout le peuple dans un siècle et dans une société où règne la plus grande diversité d'opinion religieuse ou irreligieuse, nous devons justice pleine et entière à tous nos concitoyens

et à nous-mêmes, en proclamant que notre disposition à respecter les honnêtes gens est pleine et entière, indépendamment de toute considération, de ce que sont leur scepticisme. A chacun sa liberté absolue sous ce rapport, sans avoir à rendre compte de ses opinions à qui que ce soit au monde, sans qu'elles doivent se soumettre à aucun désavantage politique.

Voudra-t-on dire que nul des membres du cabinet ne doit être blâmé du dévergondage de ses adulateurs dans la presse ministérielle, parce qu'il n'y a pas de preuve légale qu'il soit l'auteur de ces sales injures, parce qu'elles sont si nombreuses et incessantes qu'une seule tête n'a pu les concevoir et une seule bouche les trompéter. Mais qui en est l'inspirateur, qui y a applaudi; qui les a récompensées, de qui les inventeurs et trompetteurs attendent-ils leurs récompenses? Quand quelque crime bien odieux a été commis, quand quelques turpitudes incroyables, excessives sont déjettées sur la société et que pendant un tems le coupable n'est pas connu, quelles seront les recherches judiciaires qui mettront la justice sur la piste pour le découvrir. Elle se dira à qui le crime, à qui des turpitudes qui répugnent à tout ce qui a une tête et coeur d'homme ont-elles pu profiter? D'être ou de n'être pas en place. De garder, perdre ou reprendre des portefeuilles, et toute l'adulation, le patronage, l'autorité qu'ils donnent.

Est-ce que éditeurs de la Minerve, Revue, Mélanges Religieux, voire même du Journal de Québec se croient de figure et d'allure à porter avec grâces et dignité, avec honneur pour eux-mêmes et utilité pour le pays, des portefeuilles. Non, ils ne sont pas de taille à se charger d'un pareil fardeau. Ils sont donc soufflés pour vomir incessamment la calomnie, pour ne donner jamais admission aux dénégations d'hommes innocemment accusés, pour ne jamais se rétracter, quand ils se sont assurés qu'ils ont dit faux. Oui, ce sont des journaux soufflés.<sup>128</sup>

MR. CAUCHON.--Hear! Hear! (écoutez, écoutez!)<sup>129</sup>

M. PAPINEAU.--Des journaux souillés!

Un système aussi immoral, aussi fortement organisé, aussi odieusement suivi avec persévérance depuis six ou sept ans, n'aurait jamais pu avoir une telle durée dans aucun pays, ou par des circonstances déplorables, un homme ou un très petit nombre d'hommes combinés n'auraient pas été rendus les seules maîtres de la presse du pays, l'animer d'une unique direction, d'une inspiration à son ou leur profit. Le mal a cessé. La presse ministérielle sous la même direction est bien toute aussi immorale et mensongère aujourd'hui qu'hier. Ses énormités sont aussi scandaleuses, elle ne sait expier que du poison, mais l'antidote est troublé. Depuis quelques mois seulement il y a deux presses indépendantes. Deux presses où le pour et le contre peuvent être également discutés, où la raison, l'argumentation sont reçues avec faveur, où les plus hautes questions politiques sont journellement traitées avec une supériorité de talents et de connaissances, de savoir-vivre et de modération qui réduiront les éditeurs à sortir du borbier où il leur a plu de se vautrer pour faire leur cour au membres du cabinet. Leur inclination fut d'applaudir à ce système si propre à démoraliser rapidement la société, sans quoi il y aurait longtemps que ces différentes presses auraient rempli leur mission, la libre discussion, et répudié ce qu'il y a de plus répugnant; et qu'elles auraient cherché ce que le monde a droit d'attendre de la presse,



le triomphe de la vérité et non le système qui a fait leur honte et cela au profit transitoire des ministres. Ils ont pratiqué l'organisation du mensonge pour le faire triompher.

J'ai entendu faire des éloges exagérés du gouverneur actuel, et la chose ne m'a peu surpris. Je trouve qu'il y a de la folie pour toute colonie d'être satisfait (sic) de quelque gouverneur que ce soit. Ils sont tous bons, tous mauvais. Ce sont les agents de Downing Street qui viennent en passant nous exploiter et qui ne sont bons ou mauvais qu'en autant que leurs instructions leur donnent ce caractère. On a fait chanter des messes en reconnaissance à sir Charles Bagot; j'ai trouvé que c'était ridicule, comme je trouve qu'il est ridicule de se séparer de ses concitoyens pour aider à tirer du bien d'un mauvais gouvernement. Pour moi, à distance, tout ceci me paraissait une question de personnes, et je disais que pour l'intérêt d'un gouverneur on ne devait pas faire de si grandes démonstrations que celles qu'on faisait pour celui-là. Tous doivent nous être également indifférents et le plutôt on cessera de nous en envoyer, le mieux ce sera tant pour la colonie que pour la métropole. Et cette idée que j'exprime n'est pas nouvelle, il y a eu un grand nombre de colonies anglaises qui sont demeurées colonies et qui ont bien supportés (sic) cette privation sans en souffrir.

Je dis donc que lorsque pour avoir pris la défense de quelques individus qui avaient droit à la reconnaissance du pays et qui y ont encore droit, malgré les insinuations par les quelles on a voulu détruire le sentiment de respect que le peuple entretenait envers eux, le même système de proscription a été employé contre moi pour me faire taire. On devait pourtant savoir que j'étais accoutumé à ces attaques, qu'elles ne pourraient pas me faire changer d'opinion ni me faire fléchir en quelque occasion que ce fut. Toujours prêt à écouter les argumentations qu'on me présente, je ne cède pas aux menaces de qui que ce soit. Puisqu'on me parlait de procès criminel et d'échafaud, je me suis dit: Est-ce que la loi martiale pourrait être de nouveau proclamée? J'ai cherché, pour voir s'il n'y avait rien dans nos lois pour me mettre à l'abri de pareilles poursuites, et j'ai vu que l'honorable membre pour le comté de Missisquoi avait la libéralité de faire adopter une loi pour les procès par jury qui tend à empêcher le retour des excès commis par nos cours criminelles en 1837, et dès lors, j'ai été convaincu que je pouvais venir exprimer librement mes opinions dans cette enceinte. Quand j'ai vu que les lois mettaient un jury entre le mauvais vouloir des ministres et moi, je ne les ai plus craints et j'ai dit: j'irai en Chambre leur dire sans crainte ce que je pense d'eux et de notre constitution. Je dois cela à la bonne loi d'un ministre tory.

Je crois qu'il n'y a jamais eu depuis longtemps sous les ministères torys rien de pareil au discours actuel de notre ministère libéral. Je crois que les noms tory et libéral ont disparus (sic), que les deux partis n'en font plus qu'un, soit qu'ils se sont mutuellement rapprochés l'un de l'autre, ou que ça ne soit que le ministère libéral qui a rétrogradé. J'espère toujours que toutes ces distinctions de partis finiront par disparaître, et que viendra un jour où tous seront remis dans un même intérêt; et que les hommes seront jugés par leurs oeuvres et non autrement.

Je veux, maintenant, faire voir que le gouvernement responsable n'est pas en Canada, mais dans Downing Street. Rien de plus frappant que la



différence qu'il y a au sujet de la question de l'émigration, dans le discours de cette année et celui de l'an dernier. L'année dernière une loi sur l'émigration est faite en tout conforme aux renseignements reçus du bureau colonial; il ne fallait rien faire avant d'avoir obtenu son consentement, avant de connaître son avis. La loi passée dans cette circonstance était bonne, était sage. Aujourd'hui, nous sommes avertis qu'elle n'était pas bonne, ni sage, et cela dix mois seulement après sa passation. N'est-ce pas une preuve que nos ministres ne se remuent qu'en autant qu'on met, dans Downing Street, le doigt sur le fil par lequel on les fait s'agiter? N'est-ce pas une preuve que nos ministres, avec leur gouvernement responsable tant vanté n'ont de volonté que celle du bureau colonial? qu'ils ne peuvent faire un pas que conformément aux ordres de ceux dont ils ne sont que les petits instruments? Le ministère aurait dû avoir le courage de dire: ce bill est passé conformément à nos instructions; et nous sommes obligés de le faire et de le défaire selon qu'on le juge à propos en Angleterre. La mort a moissonné le quart de l'émigration de l'an dernier; nos concitoyens ont été les victimes de ce fléau, causé par le défaut de précaution à bord des vaisseaux, et que nous a ammené l'émigration. Nombre de nos ministres de la religion et des premiers de nos concitoyens y ont succombés(sic), et le bureau colonial reconnaît la justice qu'il y avait à prévenir par une loi stringente et efficace le retour de pareils désastres pour les émigrants et pour le pays. La loi fut passée en conformité à ses instructions. Votée à l'unanimité l'an dernier parce que Downing-Street la demandait, sera-t-elle rejetée cette année parce qu'il n'en veut plus. Les propriétaires de vaisseaux ont dit on fait dire dans la Chambre des Communes, que cette loi diminuait les profits de leur trafic, et quel trafic? les profits sur la mort du plus grand nombre possible de leurs passagers, et le ministre colonial exposé à perdre quelques voix en Chambre au lieu de reconnaître que notre loi avait été adoptée, en conformité à ses vues, à la faiblesse de le nier, de dire que sa loi est mauvaise et parce qu'il est faible et faux, et a l'arrogance de demander que nous soyons faibles et faux comme lui, que nous détruisions notre oeuvre et nos ministres d'y acquiescer en hâte, parce que leur responsabilité est bien réelle envers Downing-Street, bien imaginaire envers le Canada.

Il est une autre partie de ce discours dans lequel il paraît qu'on veut rétablir le crédit à la manière que l'entendent nos ministres. Le crédit du Canada est disparu en Angleterre, on fait tous les jours des placement à deux et demi par cent; et l'on peut trouver néanmoins à y placer nos débentures même à six pour cent. Personne depuis deux ans ne veut en prendre à ce taux élevé, comparé à ce qu'est le cours de l'intérêt dans la plupart des pays de l'Europe. Eh! bien, que propose-t-on pour remédier à ceci! C'est incompréhensible! on parle d'un fond d'amortissement, comme d'un moyen puissant pour rétablir le crédit à la province. Lord Durham en avait fondé un de ces fonds d'amortissement qui a tout amorti avec lui. Le fond d'amortissement a perdu M. Thiers, donc ce fond d'amortissement est bon chez un gouvernement honnête; mais, chez un gouvernement comme le nôtre, c'est l'héritage que reçoit un jeune débauché qui se dit; je veux maintenant m'en donner pendant six mois, de mon reste. Il met une partie de son bien en réserve, comme une poire pour la soif, et tout est dit; avant six mois les trois quarts de l'héritage ont été dissipé. Le fond d'amortissement de notre ministère aura le même

résultat. Il verra au premier jour, le nécessité d'employer le fond d'amortissement à finir les travaux publics qui sont jusqu'ici restés inachevés ou en commencer d'autres.

Dans l'Etat de New-York, on a pris des précautions contre la dissipation des deniers publics. Ici, c'est la dernière chose à laquelle on pense; ou plutôt, l'on n'y a pas pensé du tout. L'année dernière, nous avons autorisé un emprunt considérable pour faciliter le rétablissement dans la confiance publique; nous avons à cet effet donné au ministère le pouvoir d'offrir six pour cent d'intérêt. Il fallait donc si on voulait soutenir le crédit public s'y prendre de la même manière qu'on s'y prend dans des états bien réglés, comme on s'y prend dans la république voisine. Il fallait bien se garder de se montrer dans un état de pénurie dans exemple, émettant, comme on l'a fait, des débentures en si petites valeurs, de montants si modiques que cinq et dix piastres. La chambre d'assemblée ne peut pas donner son approbation à une semblable mesure; elle n'a pas pu la vouloir. Pourquoi le ministère, s'il voulait rétablir notre crédit, n'a-t-il pas fait à cet effet des propositions à New-York, dans Wall-Street, à la bourse de France ou aux marchands de Hollande? Ce sont là des grands centres de circulations où les fonds étrangers sont négociés en tous temps. Si les membres du ministère avaient eu foi dans le crédit public, ils auraient donc contracté, ainsi qu'ils en avaient le pouvoir, avec ces nations étrangères. Mais quand on est autorisé à emprunter de l'argent à six pour cent et qu'on ne le fait pas; qu'au lieu de le faire un gouvernement descend jusqu'à émettre de (sic) débentures d'une valeur si petite qu'elles ne peuvent manquer d'avoir le sort des assignats, c'est déclarer à la face du monde qu'on n'a plus de foi dans le rétablissement du crédit, c'est porter au crédit son coup de mort. Tout cela est une suite de la position que nous a faite l'acte d'Union. Je crois donc que plutôt viendra la séparation des deux provinces, mieux ce sera pour toutes les parties. Le rappel de l'Union est surtout désirable pour le Bas-Canada. Cette Union nous met vis-à-vis du Haut-Canada, dans la même position qu'est l'Irlande vis-à-vis de l'Angleterre. C'est la partie de toute l'Europe où il meurt, annuellement, de faim, le plus grand nombre d'hommes. C'est la dénomination d'un pays sur un autre qui produit de pareils résultats. Tant que nous serons soumis, comme nous le sommes à la domination du Haut-Canada, nous ne pourrons rien espérer de mieux. On doit donc s'empresser de faire cesser un pareil état de chose. Jusqu'à présent l'attention publique s'est addonné surtout à la réforme électorale, cela, non pas parce que c'est la seule réforme désirable, mais parce qu'elle est un moyen de conduire au rappel de l'Union. Tous les hommes de bon sens sentent que cette mesure est désirable, sentent la difficulté qu'il y a de législater pour deux pays si différents en tous points. Cette union a été fournie dans le but avoué de nuire au peuple canadien. De quel prétexte s'est-on servi, pour nous l'imposer? C'est qu'elle devait nécessairement amener l'extension du commerce. On doit voir aujourd'hui qu'on s'était trompé, si c'était là l'idée qu'on avait; que le pays n'a jamais été plus souffrant qu'il ne l'a été depuis l'Union.<sup>130</sup> The hon. gentleman then went into a history of the manner of adjusting the duties between the two Provinces before the union; and then into an account of some of the proceedings of the Quebec Reform Committee. The Committee, he said, had written circulars



to the members of the Ministry and the Legislature and to Downing St, and (as we understood) the only person who failed to reply was Mr. LaFontaine, in consequence of which, the programme of the Committee was not agitated in the District of Montreal. He concluded by moving his amendments.<sup>131</sup>

(16)

The Honorable Mr. Papineau moved in amendment to the Question, seconded by the Honorable Mr. Laterrière, that the words, "That the proofs which the people of Canada have furnished during this period of general excitement and disquietude, of their love of order, and of the attachment they bear to their institutions will, they feel assured, tend to establish the credit of the Province on a firmer basis, and to promote its prosperity," be left out, and the following inserted: "That this tranquillity of the people of the Canadas, amidst the deep and general agitation which has urged the most enlightened Nations of Europe to the noblest exertions, often crowned with success, to alter and reform their vicious Governments, unwisely clinging to usurpations made by fraud or conquered by violence during the dark ages, but now intolerable, and that soon must become untenable in presence of free discussion, and yield to reason and knowledge of the nineteenth century, proves that Canadians of all classes and of all origins have shown themselves friendly to order to a degree proving them entitled of right to be endowed with political institutions much more free and liberal than the defective Constitution imposed on them against their known and declared wishes, through their remonstrances and reiterated Petitions against the re-union of the two Canadas, wisely separated to their mutual advantage in 1791: That until the philanthropic and most judicious plan advocated by that pre-eminent and far-seeing Statesman, Charles James Fox, be realized, by the reform of our Constitution, through the extension of the elective principle to many other offices and departments than those wherein it now applies, and to such a degree, that Canadians, as he said, should see nothing to envy in the institutions of their neighbours, we have no better chance in time to come, than we had during a long and painful past, to obtain the good

(17)

government of the Province, and through good government its general prosperity, and the general contentment of its inhabitants."

And a Debate arising thereupon;

DR. LATERRIERE.--Je seconderai l'amendement de l'honorable monsieur. (Applaudissement général dans la galerie-gauche.)<sup>132</sup>

M. MORIN L'ORATEUR Je croyais que M. Christie avait demandé à seconder cette proposition.<sup>133</sup>

M. CHRISTIE.--J'avais eu cette intention, mais je préfère que ce soit M. Laterrière. Je seconderai l'amendement qui suivra celui-ci.<sup>134</sup>

DR. LATERRIERE.--M. l'orateur, en me levant pour seconder cette motion, je crois donner les raisons qui me décident à le faire. Le tableau si vrai, si énergique que vient de dessiner l'honorable membre pour le comté de St.-Maurice, de la situation que nous occupons, m'a tellement frappé, tellement convaincu des effets funestes de l'Union malheureuse des deux



Canadas, que j'aurais cru, en gardant le silence, me mettre en contradiction directe avec moi-même. En secondant cette proposition, je veux joindre mon protêt à celui de l'hon. M. Papineau contre l'acte d'Union que j'ai toujours regardé et que je regarde plus que jamais comme nuisible aux intérêts du Bas-Canada. Néanmoins, je déclare ici que je n'en ai pas moins dans notre administration une confiance entière. Cette confiance, je l'aurai tant que les actes, mais les actes pratiques de cette administration seront dans l'intérêt de cette partie de la province, autant que dans celle de la province supérieure. Je ne sais si c'est avec intention ou non, mais l'adresse ne parle presque exclusivement que de dépense de l'argent dans le Haut-Canada, et tout le monde sait qu'il n'y en a pas pour y continuer les canaux qu'on y a commencés. Je ne sais encore si c'est avec intention ou par omission, mais je ne vois à la suite de paragraphe de l'adresse auquel je fais allusion, rien à l'avantage du Bas-Canada. Je prendrai donc la liberté de faire observer qu'il serait à propos que l'on fit tout en soi pour trouver le moyen d'ouvrir une voie de communication facile entre les habitants de Québec et ceux des paroisses au-dessous de cette ville. Ce serait trouver un marché à une population industrielle de quinze mille âmes, que de les mettre ainsi en rapport immédiat avec notre ancienne capitale. Tant qu'on ne trouvera pas le moyen de réaliser cette idée, cette population sera dans l'impossibilité d'apporter ses produits sur les marchés de Québec. Il me semble qu'une mesure de cette importance mérite d'être prise en considération aussi bien que les canaux du Haut-Canada. Je suis dans cette Chambre pour prendre l'intérêt du Bas-Canada, pour veiller à ce que justice soit rendue. Je déclare donc une fois pour toutes que si l'on demande de semblables mesures pour le Haut-Canada, je ne voterai en sa faveur que quand on m'aura convaincu qu'on veut en donner de semblables au Bas-Canada; et j'espère que tous les membres du Bas-Canada en feront autant.<sup>135</sup>

MR. REC. GEN. VIGER dit qu'on lui a reproché d'avoir accepté la place de receveur-général, malgré qu'il soit président d'une institution financière. "Il est vrai, dit-il, que j'ai été président de la Banque du Peuple, mais je ni connais aucune loi ne aucune résolution de cette chambre, ni aucun règlement qui me défende d'agir comme je l'ai fait. Dès 1833, nous nous sommes réunis plusieurs de mes amis et moi pour fonder la Banque de Peuple; je fus choisi comme président et je continuai à l'être jusqu'aujourd'hui sans exiger ni demander aucune rémunération; quand j'allai m'établir à la campagne, je donnai ma résignation aux directeurs de la Banque, parce que mon éloignement ne me permettait plus de prendre part aux affaires de cette institution. Les directeurs ne voulurent pas accepter. Quand j'ai été nommé receveur-général, j'ai envoyé de nouveau ma résignation, et légalement je puis dire que j'ai résigné cette place. Cependant je dois déclarer que si la chambre désire que ceux qui entrent dans l'administration abandonnent entièrement leurs occupations privées, elle devrait se prononcer ouvertement à ce sujet; car que l'on remarque que la place du ministre est loin d'être une place permanente; dans l'espace de quelques mois, il y avait eu deux receveurs généraux qui s'étaient succédés avant moi. Demain je puis moi-même abandonner cette charge, soit forcément soit volontairement. Ceux à que l'on offre ces emplois devraient donc connaître pré-

alablement ce qu'ils ont à faire. Mais tant qu'il n'y aura aucune loi, ni aucune résolution de la chambre à ce sujet, on ne saurait se croire tenu de quitter entièrement ses occupations privées en entrant dans l'administration.<sup>136</sup>

DR. FORTIER.--L'hon. membre pour le comté de St. Maurice, a observé que le gouvernement aurait toujours empêché les Canadiens-français de s'établir dans les townships; mais pourquoi avec toute sa franchise et dans le très long discours qu'il vient de nous faire, n'a-t-il pas observé que c'est le présent ministère qui a arrêté l'émigration des canadiens dans les Etats-Unis, en leur ouvrant les townships, en leur donnant des lopins de terre gratis, et en diminuant le prix des terres de six chelins à deux, ne savons-nous pas que nous avons au moins cent mille canadiens qui ont émigré dans les Etats-Unis parce qu'ils ne pouvaient s'établir dans ce pays. Mais nous avons l'espérance de voir sous la présente administration, revenir nos concitoyens, s'établir dans leur patrie, défricher les terres, et former une population agricole et industrielle.<sup>137</sup>

COL. GUGY.--La!.....<sup>138</sup>

MR. AT. GEN. BALDWIN would like to make a few remarks before the question was put. It had been said by hon. members opposite that the hon. member for Essex had demolished the speech from the throne, he could therefore briefly notice the<sup>139</sup> few points... the hon. Member ... had confined himself to.<sup>140</sup> The first remark was with reference to the tranquillity of the Province during the past year; the fault he found with that passage was, that he fancied that instead of being tranquil the people were in a state of quiescence or apathy,<sup>141</sup> be that as it might, it was at all events clear, that there was no distinct cause of discontentment; and the hon. Member in his remarks, instead of controverting the statement in the address, tacitly admitted the truth of the statement. The next point touched upon by the hon. Member was the increase in the representation, but he hardly seemed sincere<sup>142</sup>, or to feel what he said<sup>143</sup> in reference to this part of the address. And with regard to <sup>144</sup> interfering with King's College,<sup>145</sup> some qualms of conscience seem lately to have come over the hon. Member; for all will recollect that in 1846, he strenuously supported a measure proposed by the then ministry, which would have touched the charter more than the intended measure will do.<sup>146</sup> The fourth and last point relative to the address in the speech of the hon. member, had reference to the transit of passengers up the St. Lawrence to the Western States. Well it seemed to him (Mr. Baldwin) that his objection was rather a strange one, for he seemed to consider that there was a serious inconvenience to the public in having the advantage of the transit passengers, because they were destined ultimately to settle in the Western States; for his own part he wished to have as much as possible of the transit of the passengers and commerce of the great country in the West, as it could not fail to benefit our Public Works, and thereby contribute to the prosperity of the Province. (Hear, hear.) These then were all the points on which the hon. Member for Essex had touched, and this was what the gentlemen of the Opposition called "demolishing" the Speech. But there were other points, not connected



with the Address, which had been alluded to, and to which he must briefly refer. The Hon. Member had said that the policy of the present Ministry was to govern only by a party, for a party, and through a party; but he (Mr. B) entirely repudiated such a sentiment. (Ironical cheers.)<sup>147</sup> It was impossible to carry on the Government without something like a party, and they undoubtedly did govern by means of party combinations<sup>148</sup>, but they had never acted on the principle of governing for a party alone, and not for the good of the whole country. The Hon. Gentleman had referred to what he was pleased to call the dismissal of Associate Judges, and he was surprised to hear him allude to that topic, for he must be aware that the course taken by the present Administration was actually forced on them by the long train of injustice inflicted under former Governments in selecting all the judges appointed on the Commission of Oyer and Terminer throughout Upper Canada of one party. (Hear, hear.)<sup>149</sup> How was it that, during the time they were in office, all the persons named as Associate judges were Conservatives? The hon. Member said that they required to be men of respectability. Were there no men of respectability belonging to his (Mr. Baldwin's) party<sup>150</sup>? He did not wish to say a word against the gentlemen to whose case the Hon. Member for Essex had especially alluded. They had not been dismissed from the Commission of Oyer and Terminer: their names had only been left out of the new Commission in order to make room for other gentlemen equally respectable, but of the opposite party; for the purpose of showing that equal justice was now to be administered to both parties in the country. (Hear, hear.)<sup>151</sup> It was the only way that they could do so, because the number of Associate Judges could not be well enlarged, and no new ones could be named, without leaving out some of the old ones<sup>152</sup>. Hon. members forget that this was not the first time that gentlemen had been left off the Commission of the Peace by the late Administration, giving rise to feelings of dissatisfaction, and which would probably have been made the subject of Parliamentary complaint, had it not been that he (Mr. Baldwin) was of opinion that there was no just ground for taking exception to it, as they were not permanent situations, but merely places into which respectable individuals in each District were put to assist the regular Judges. No offence was meant to the Judges who had been superseded, and none he believed had been taken; they had merely been left out for the purpose of placing on the Commission, other gentlemen of equal respectability, but belonging to the party who had been so long proscribed in Canada. Then as to the employment of Queen's Counsel, the learned member for Essex was entirely mistaken, with regard to the practice in England. If he would take the trouble to refer to the trial of Frost, or to any of the British State trials, he would see that the Crown employed Counsel in stuff gowns, as well as those in silk. But at all events there was nothing in the law or practice of this country to prevent it; it had been done ever since 1840 and<sup>153</sup> he (Mr. B.) did not think the practice ... tended to lower the profession, as by means of it young men of talent were afforded a field to distinguish themselves in.<sup>154</sup> It had never been objected to until now, and the reason and motives of the present objection must be apparent to every one (hear and laughter.)<sup>155</sup>

COL. PRINCE.--I call the hon. Attorney General to order, he has no



right to impute motives to me. I repudiate the insinuation, which none but a pigmy mind could make, and I throw them back upon the hon. member as being those of a pigmy mind.<sup>156</sup>

MR. AT. GEN BALDWIN was quite willing to allow him all the benefit of his remarks; if the public did not discern the motives of the hon. member, he, Mr. B., was mistaken.<sup>157</sup> The attack then concerning the employment of Queen's Counsels was entirely unfounded. It was a course which the government had a right to pursue, and would pursue even tho' it met with the disapprobation of the learned member for Essex. The hon. gentleman had referred to some other topics, and among the rest to the removal of Mr. Gzowski, and the appointment of Mr. Killaly. If he had taken the trouble to look into the serious parts of the case, he would not have mistaken the true position of affairs, as he seemed to have done. He might recollect that the late Administration had got Mr. Killaly turned out of office,<sup>158</sup> a year or two ago, and that without any good grounds<sup>159</sup>, by an Act of Parliament. That Mr. Killaly had talent, the hon. gentleman did not dispute. He had only been sent to manage the works in the West, and this had been done for the purpose of reducing the expenditure of the Government--no great sin, he thought. The hon. member might also recollect that at the time Mr. Killaly was dismissed, it was to make room for the hon. member for Simcoe, a gentleman that he (Mr. Baldwin) had the highest respect for, but truth compelled him to say that he, at all events, was no engineer. But every thing done at that time was right, and every thing done now was wrong; although in the appointment of Mr. Killaly in the present instance, he had not been appointed to supersede either Gzowski or any one else.<sup>160</sup> To a person who only took a one sided view it might seem quite right to dismiss Mr. Killaly and (sic) wrong to dismiss Mr. Gzowski, but he (Mr. B.) did not think it would appear so to an unprejudiced mind. If, said the hon. member in conclusion, these are the only faults, if these are the only removals from office, which the Ministry can be blamed for, then he felt satisfied the country would be ready to sustain them--if that was all that the opposition could complain of, he felt satisfied of their existence for a long time to come.<sup>161</sup> The course pursued on the present occasion was rather an unusual one; and he was willing to continue the discussion at this late hour of the night. Instead of taking the Address paragraph by paragraph, it would be better if it were taken as a whole.<sup>162</sup> He supposed the hon. members did not intend to make any remarks on the general policy of the Government, or they would have risen before that time--at least that was the usual course.<sup>163</sup>

MR. H. SHERWOOD, of Toronto.--We are to be dictated to, as to when we are to appeal.<sup>164</sup>

COL. PRINCE did not wish to be dictated to, as to what course he should pursue.<sup>165</sup>

MR. AT. GEN. BALDWIN.--Certainly not.<sup>166</sup> ((He)) did not wish to dictate to any one, but he could not help remarking that the course was an unusual one, and he would be the last to object to what was kept within the rules of the House. With regard to the amendment moved by honble. member for St. Maurice, (Mr. Papineau)<sup>167</sup> he took it for granted that it would not be concurred in. It appeared to him that it was

travelling out of the record to discuss it,<sup>168</sup> it was trifling in the extreme,<sup>169</sup> but as he did not understand French, he wished his hon. friend the member for Montreal to answer it; and would in conclusion, merely remark of it, that it could have ((no)) substantial effect, as it only referred to other countries, and he thought it would be best for them to confine their remarks and attention to the welfare of their own country<sup>170</sup> than remark on what was passing in others.<sup>171</sup>

MR. W. H. SCOTT of Two Mountains, moved an adjournment.<sup>172</sup>

Cries of go on, adjourn.<sup>173</sup>

MR. AT. GEN. LAFONTAINE said he had no objection to the adjournment, although he was perfectly willing to proceed now.<sup>174</sup>

Cries of adjourn, adjourn.<sup>175</sup>

The motion for adjournment, was put and carried.<sup>176</sup>

(17)

*On motion of Mr. Scott, of Two Mountains, seconded by Mr. Smith, of Frontenac,*

*Ordered, That the Debate be adjourned until tomorrow, and be then the first Order of the day.<sup>177</sup>*

*The Order of the day for the attendance at the Bar of this House, of John George Vansittart, Esquire, Returning Officer at the last General Election for the County of Oxford, to produce evidence in relation to his conduct at the said Election, being read;*

*Ordered, That the said Order of the day be postponed until to-morrow.*

*Then, on motion of Mr. Cauchon, seconded by Mr. Smith of Frontenac, The House adjourned.*

APPENDIX: 22 JANUARY 1849.

((NOTICE OF BILL RE: REPEAL OF USURY LAWS.))<sup>178</sup>

MR. H. SHERWOOD (Toronto) gave notice of his intention to move, on the 1st February, for leave to introduce a Bill to amend the Usury Laws.<sup>179</sup>

((NOTICE OF MOTION RE: COLONIZATION OF TOWNSHIPS.))<sup>180</sup>

DR. FORTIER gave notice of a motion relative to the Colonization of Townships.<sup>181</sup>

((NOTICE OF MOTION RE: REBELLION LOSSES.))<sup>182</sup>

MR. JOBIN gave notice of a motion relative to indemnity for losses incurred in 1837-8, the words of which we were unable to catch.<sup>183</sup>

((NOTICE OF MOTION RE: MONTREAL & TROY TELEGRAPH CO.))<sup>184</sup>

MR. HOLMES gave notice that he would to-morrow (this day) move for leave to bring in a bill to incorporate the Montreal & Troy Telegraph Co.<sup>185</sup>

((NOTICE OF BILL RE: LIMITING NUMBER OF EXECUTIVE COUNCIL-  
LORS.))<sup>186</sup>

MR. W. BOULTON gave notice that he would to-morrow (this day) move for leave to bring in a bill to limit the number of the Executive Council, and other matters relative to appointments to office.<sup>187</sup>

((NOTICES OF MOTION RE: SHERIFFS IN COURT OF QUEEN'S BENCH.))<sup>188</sup>

COL GUGY gave notice that he would move the House into Committee of the whole, to take into consideration the propriety of amending the Ordinance of 25 Geo. III., allowing Sheriffs to retain 2  $\frac{1}{2}$  per cent. of amounts levied by him.<sup>189</sup>

((NOTICE OF ADDRESS RE: INCOME OF SHERIFFS AND OTHER COURT  
OFFICIALS IN LOWER CANADA.))<sup>190</sup>

COL. GUGY gave notice of his intention to move for an Address to His Excellency, praying him to cause to be laid before the House a Return of the amount of income derived by the Sheriffs in Lower Canada during the last five years. And also to move for an Address, praying that His Excellency would cause a Return to be laid before the House of the amount received by the Crier and Tipstaff of the Court of Queen's Bench, for the District of Montreal during the last five years.<sup>191</sup>

((NOTICE OF BILL RE: JUDGMENTS OF HIGHER COURTS.))<sup>192</sup>

COL. GUGY gave notice of his intention to introduce a Bill to render Judgments of the Higher Courts in either section of the Province executory throughout the whole Province.<sup>193</sup>



((QUESTION AND ANSWER RE: SURVEYORS.))<sup>194</sup>

MR. FOURNIER inquired of Ministers if they intended to introduce any measure relative to Surveyors, and the measurement of Land in Lower Canada.<sup>195</sup>

MR. COM. CR. LANDS PRICE replied (as we understood him) that the Government proposed to introduce such a measure.<sup>196</sup>

((WITHDRAWN MOTION RE: SALES OF PUBLIC LANDS.))<sup>197</sup>

MR. CAYLEY moved for a humble Address to His Excellency for any correspondence relative to sales of the Public Domain, which may have taken place between the Imperial and Provincial Governments.<sup>198</sup>

MR. COM. CR. LANDS PRICE informed the House that there was no correspondence between the Imperial and Provincial Governments on the subject of these matters, but it was the intention of the Government shortly to lay before the House the whole matter, with their proposals thereupon.<sup>199</sup>

MR. H. SHERWOOD thought that this motion was irregular and premature. The present was not the time for it, until the House had taken action on His Excellency's Speech.<sup>200</sup>

MR. CAYLEY was perfectly satisfied.<sup>201</sup>

The motion was withdrawn.<sup>202</sup>

((WITHDRAWN MOTION RE: FREE COPIES OF PARLIAMENT'S ROUTINE BUSINESS TO NEWSPAPERS.))<sup>203</sup>

MR. J. S. MACDONALD moved, seconded by MR. RICHARDS-- that the petition of D. Kinnear & Co. and others, newspaper proprietors of the city praying to be provided with the Routine Proceedings of the House free of expense, be referred to a Select Committee, composed of Messrs. Prince, McDonald (Kingston,) Holmes, Cauchon and the mover. He remarked that in 1824, '25, and '29, the Parliament of Upper Canada supplied the press with the routine proceedings.<sup>204</sup>

COL. PRINCE thought that it would have saved delay, if the House made an order at once that the Press should be permitted to have access to, and copy the Routine Proceedings.<sup>205</sup>

SIR A. MACNAB said that the course pursued in England was to leave the matter of Printing in the hands of the Speaker, and appoint a committee to assist him. He thought, that was the best course to pursue here.<sup>206</sup>

MR. INSP. GEN. HINCKS said that all the newspapers wanted, was to have one copy of the Routine Proceedings for publication on the following morning. They had, had it heretofore, but they had been obliged to pay the Clerks of the House for providing it, when they ought to have had it free of expense.<sup>207</sup>

Mr. J. S. MACDONALD then withdrew his motion, to renew it in a different form to-morrow.<sup>208</sup>

((WITHDRAWN MOTION RE: GEORGE BROWN'S PROSECUTION FOR  
LIBEL.)) 209

COL. PRINCE moved for copies of the indictment, Bench warrants, and other papers relative to the prosecution against George Brown, for libel<sup>210</sup> in the Globe newspaper<sup>211</sup> at the last Spring Assizes in the London District<sup>212</sup>, observing that he should by that means have an opportunity of knowing why the said George Brown had been arrested after having been found guilty at the assizes above mentioned, of one of the most atrocious libels that had ever been published against members of the Bar.<sup>213</sup>

MR. AT. GEN. BALDWIN said he took it for granted that an explanation would satisfy the hon. gentleman, and that he would not insist on the papers which would be of no use to him when he obtained them.<sup>214</sup> Mr. Ross had written to him reporting the proceedings at the assizes, and it appeared that the bench warrant has be (sic) issued in the wrong district so that the<sup>215</sup> Bench warrant issued in London did not extend to the Home District, where Mr. Brown then was. The hon. gentleman read a letter from Mr. Ross, which stated,<sup>216</sup> that at the last assizes he had received a letter from Brown stating that he could not come without injury to the public service, as he was on the Kingston Commission, which required his constant attendance, and asking (Mr. Ross') advice. He Mr. Ross told him to come at all events and take his trial. Soon after Col. Prince came to town, and he (Mr. Ross) mentioned this to him.<sup>217</sup> The Col. had said, if calling Mr. Brown from Kingston at that time would interfere with public business, it was not his desire to do so.<sup>218</sup> Mr. Brown's agents what had taken place, but to the Col. Prince, Mr. Brown did not come, he issued a bench warrant for his apprehension in the usual course.<sup>219</sup> Mr. Prince did not refer to the fall assizes when Mr. Ross was employed, but to the Spring assizes which preceded them; and he accused the Hon. Attorney General of neglect of his duty on that occasion, as Mr. Brown was not tried, and he said that in all the time that had elapsed since he had been arrested, the excuse now made was most extraordinary; was it because this Brown was on a Commission, which he (Col. Prince) contended was illegal, that he was not to take his trial for as foul an injury on a member of the profession as had ever been committed. For his own part he did not believe, from what he had heard of their proceedings, that Commission would ever dare to report to Parliament,--but to return to the subject, he would remark that Mr. Brown was known as a strong partizan of the hon. member for North York, and that invested the proceeding with a particular character. He feared that hon. member did not care much for the honour of the profession, and it was this that in part produced the present complaint. He had chosen to employ a gentleman who wore a silk gown, instead of a more political agent, he (Col. Prince) would have been disposed to impute what was wrong to the person employed. But having chosen to employ a person not thus qualified, he must be held responsible. It was no little trouble to bring witnesses, as one was brought in this case a distance of two hundred miles. He charged the hon. gentleman with great neglect.<sup>221</sup>





FOOTNOTES : 22 JANUARY 1849.

1. There is a copy of this petition in BRITISH COLONIST, 24 April 1849.
2. PILOT, 24 January 1849. The debate on this matter was reported by; PILOT, 24 January 1849, L'AVENIR, 24 January 1849, and BRITISH WHIG, 27 January 1849, which copied from MONTREAL HERALD, in identical accounts.
3. PILOT, 24 January 1849.
4. IBID.
5. IBID.
6. The debate on this matter was reported by: L'AVENIR, 24 January 1849; and LA MINERVE, 25 January 1849; MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts. A commentary may be found in LE JOURNAL DE QUEBEC, 23 January 1849.
7. L'AVENIR, 24 January 1849.
8. IBID.
9. MONTREAL GAZETTE, 24 January 1849.
10. L'AVENIR, 24 January 1849.
11. MONTREAL GAZETTE, 24 January 1849.
12. The debate on this matter was reported by: L'AVENIR, 24, 25 January 1849; LA MINERVE, 25 January 1849; GLOBE, 27 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source; MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts; PRINCE EDWARD GAZETTE, 26 January 1849, MORNING CHRONICLE, 24 January 1849, HAMILTON SPECTATOR, 27 January 1849, BROCKVILLE RECORDER, 22 January 1849, BATHURST COURIER, 26 January 1849, and ST. CATHARINES JOURNAL, 25 January 1849, which acknowledged BRITISH COLONIST as its source, in identical accounts; LE JOURNAL DE QUEBEC, 25, 30 January 1849; PILOT, 24 January 1849, BRITISH COLONIST, 2 February 1849, GLOBE, 31 January 1849, HAMILTON SPECTATOR, 31 January 1849, and MORNING CHRONICLE, 29 January 1849, in identical accounts except that the PILOT's and GLOBE's accounts were longer than the others; ST. CATHARINES JOURNAL, 1 February 1849, BATHURST COURIER, 2 February 1849, and PRINCE EDWARD GAZETTE, 2 February 1849, which both acknowledged MONTREAL TRANSCRIPT as their source, PROVINCIALIST, 1 February 1849, and GLOBE, also acknowledging MONTREAL TRANSCRIPT as its source, in identical accounts. BRITISH COLONIST, 23 January 1849, noted the debate. A commentary may be found in MONTREAL GAZETTE, 24 January 1849. LA MINERVE, 25 January 1849, warned readers about its policy regarding L.J. Papineau's speeches: "Nous n'avons l'intention de rapporter ici les interminables discours de M. Papineau. Ces discours aussi longs que prolixes, sont une répétition, à peu de choses près, de ses fameux manifestes que tout le monde connaît. Le public nous saura gré, sans doute, de lui en épargner de nouveau la lecture."
13. PILOT, 24 January 1849.
14. MONTREAL GAZETTE, 24 January 1849.
15. PILOT, 24 January 1849.
16. GLOBE, 27 January 1849.
17. PILOT, 24 January 1849.
18. MONTREAL GAZETTE, 24 January 1849.

19. PILOT, 24 January 1849.
20. IBID.
21. MONTREAL GAZETTE, 24 January 1849.
22. PILOT, 24 January 1849.
23. MONTREAL GAZETTE, 24 January 1849.
24. PILOT, 24 January 1849.
25. GLOBE, 27 January 1849.
26. L'AVENIR, 24 January 1849.
27. PILOT, 24 January 1849.
28. LA MINERVE, 25 January 1849.
29. L'AVENIR, 24 January 1849.
30. LA MINERVE, 25 January 1849.
31. L'AVENIR, 24 January 1849.
32. PILOT, 24 January 1849.
33. L'AVENIR, 24 January 1849.
34. PILOT, 24 January 1849.
35. L'AVENIR, 24 January 1849.
36. LA MINERVE, 25 January 1849.
37. L'AVENIR, 24 January 1849.
38. MORNING CHRONICLE, 24 January 1849.
39. MONTREAL GAZETTE, 24 January 1849.
40. L'AVENIR, 24 January 1849.
41. PILOT, 24 January 1849.
42. GLOBE, 27 January 1849.
43. PILOT, 24 January 1849.
44. GLOBE, 27 January 1849.
45. PILOT, 24 January 1849.
46. LE JOURNAL DE QUEBEC, 25 January 1849.
47. PILOT, 24 January 1849.
48. The debate on this matter was reported by: MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts; PILOT, 24 January 1849, and HAMILTON SPECTATOR, 31 January 1849, in identical accounts; GLOBE, 27 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source, ST. CATHARINES JOURNAL, 1 February 1849, PROVINCIALIST, 1 February 1849, PRINCE EDWARD GAZETTE, 2 February 1849, and BATHURST COURIER, 2 February 1849, both of which acknowledged MONTREAL TRANSCRIPT as their source, in identical accounts. The PROVINCIALIST, 1 February 1849, was cited instead of the GLOBE, 27 January 1849, which is difficult to read, wherever selections are from their identical accounts.
49. PILOT, 24 January 1849.
50. IBID.
51. The debate on this matter was reported by: MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts.
52. MONTREAL GAZETTE, 24 January 1849.
53. The debate on this matter was reported by: PILOT, 24 January 1849, and BRITISH WHIG, 27 January 1849, which acknowledged MONTREAL HERALD as its source, in identical accounts; MONTREAL GAZETTE, 24 January 1849; GLOBE, 27 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source, ST. CATHARINES JOURNAL, 1 February 1849, PROVINCIALIST, 1 February 1849, BATHURST COURIER, 2 February 1849, and PRINCE

EDWARD GAZETTE, 2 February 1849, both of which acknowledged MONTREAL TRANSCRIPT as their source, in identical accounts.

54. PROVINCIALIST, 1 February 1849.
55. MONTREAL GAZETTE, 24 January 1849.
56. PILOT, 24 January 1849.
57. PROVINCIALIST, 1 February 1849.
58. MONTREAL GAZETTE, 24 January 1849.
59. PROVINCIALIST, 1 February 1849.
60. IBID.
61. MONTREAL GAZETTE, 24 January 1849.
62. PILOT, 24 January 1849.
63. IBID.
64. PROVINCIALIST, 1 February 1849.
65. IBID.
66. The debate on this matter was reported by: MONTREAL GAZETTE, 24 January 1849; LE JOURNAL DE QUEBEC, 25 January 1849; L'AVENIR, 24 January 1849; PILOT, 26 January 1849, reported Wetenhall's speech; PRINCE EDWARD GAZETTE, 2 February 1849, which acknowledged MONTREAL TRANSCRIPT as its source, PROVINCIALIST, 1 February 1849, ST. CATHARINES JOURNAL, 1 February 1849, GLOBE, 27 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source, and BATHURST COURIER, 2 February 1849, whose account was longer and also acknowledged MONTREAL TRANSCRIPT as its source, in identical accounts; BROCKVILLE RECORDER, 1 February 1849, which acknowledged both the PILOT, January 1849, and MONTREAL TRANSCRIPT as its sources, GLOBE, 31 January 1849, PILOT, 24 January 1849, HAMILTON SPECTATOR, 31 January 1849, and BRITISH COLONIST 27 February 1849, whose account is shorter than the rest, in identical accounts; L'AVENIR, 24, 27, 31 January 1849, and LE JOURNAL DE QUEBEC, 6 February 1849, containing an excised account of Papineau's speech, in identical accounts; PILOT, 24 January 1849, HAMILTON SPECTATOR, 31 January 1849, BROCKVILLE RECORDER, 1 February 1849, and PROVINCIALIST, 5 February 1849, which reported only Wetenhall's speech, in identical accounts; LA MINERVE, 25 January 1849, which dates Dumas' speech as having taken place on Monday, 23 January, not Monday 22 January 1849, as it should have read; and LA MINERVE, 29 January 1849, which misdated it as 23 January. Commentaries appeared in: L'AVENIR, 27 January 1849; LA MINERVE, 21 January 1849; BROCKVILLE RECORDER, 1 February 1849; PILOT, 24 January 1849; and LE JOURNAL DE QUEBEC, 27 January 1849.
67. MONTREAL GAZETTE, 24 January 1849.
68. L'AVENIR, 24 January 1849.
69. MONTREAL GAZETTE, 24 January 1849.
70. IBID.
71. The MONTREAL GAZETTE, 24 January 1849, did not report this speech, as it was "only an echo of the speech" and its columns were too crowded.
72. L'AVENIR, 24 January 1849.
73. PILOT, 24 January 1849.
74. L'AVENIR, 24 January 1849.
75. PILOT, 24 January 1849.
76. L'AVENIR, 24 January 1849.



77. PILOT, 24 January 1849.
78. L'AVENIR, 24 January 1849.
79. LA MINERVE, 25 January 1849.
80. L'AVENIR, 24 January 1849.
81. LA MINERVE, 25 January 1849.
82. L'AVENIR, 24 January 1849.
83. PILOT, 24 January 1849.
84. IBID., 26 January 1849 which contained two accounts of this speech, the first in the issue of 24 January 1849, the second in that of 26 January 1849, which was prefaced: "As the debate on the Address is of some importance, and as constituents are, of course, anxious to hear what their representatives say, we have transcribed our notes of Mr. Wetenhall's speech in seconding the Address on Monday evening, at greater length than it appears in our regular report of the proceedings of the House."
85. MONTREAL GAZETTE, 24 January 1849.
86. PILOT, 26 January 1849.
87. MONTREAL GAZETTE, 24 January 1849.
88. PILOT, 26 January 1849.
89. MONTREAL GAZETTE, 24 January 1849.
90. PILOT, 26 January 1849.
91. MONTREAL GAZETTE, 24 January 1849.
92. PILOT, 26 January 1849.
93. According to LE JOURNAL DE QUEBEC, 25 January 1849, "M. Prince ... a déblatéré pendant environ trois quart d'heure contre l'administration."
94. MONTREAL GAZETTE, 24 January 1849.
95. PILOT, 24 January 1849.
96. MONTREAL GAZETTE, 24 January 1849.
97. PILOT, 24 January 1849.
98. MONTREAL GAZETTE, 24 January 1849.
99. IBID.
100. IBID.
101. PILOT, 24 January 1849.
102. MONTREAL GAZETTE, 24 January 1849.
103. PILOT, 24 January 1849.
104. MONTREAL GAZETTE, 24 January 1849.
105. PILOT, 24 January 1849.
106. MONTREAL GAZETTE, 24 January 1849.
107. PILOT, 24 January 1849.
108. MONTREAL GAZETTE, 24 January 1849.
109. PILOT, 24 January 1849.
110. MONTREAL GAZETTE, 24 January 1849.
111. PILOT, 24 January, 1849.
112. MONTREAL GAZETTE, 24 January 1849.
113. PILOT, 24 January, 1849.
114. MONTREAL GAZETTE, 24 January 1849.
115. PILOT, 24 January 1849.
116. MONTREAL GAZETTE, 24 January 1849.
117. PILOT, 24 January 1849.
118. MONTREAL GAZETTE 24 January 1849.
119. PILOT, 24 January 1849.

120. MONTREAL GAZETTE, 24 January 1849.
121. PILOT, 24 January 1849.
122. MONTREAL GAZETTE, 24 January 1849.
123. PILOT, 24 January 1849.
124. MONTREAL GAZETTE, 24 January 1849.
125. PILOT, 24 January 1849.
126. MONTREAL GAZETTE, 24 January 1849.
127. According to LE JOURNAL DE QUEBEC, 25 January 1849, Papineau's speech lasted three hours.
128. L'AVENIR, 27 January 1849. L'AVENIR's version was identical to that in LA MINERVE, Supplement, 29 January 1849, and has been used as it is more legible.
129. L'AVENIR, 27 January 1849.
130. IBID.
131. PILOT, 24 January 1849.
132. L'AVENIR, 31 January 1849.
133. IBID.
134. IBID.
135. IBID.
136. LA MINERVE, 25 January 1849.
137. IBID.
138. L'AVENIR, 31 January 1849.
139. PILOT, 24 January 1849.
140. MONTREAL GAZETTE, 24 January 1849.
141. PILOT, 24 January 1849.
142. MONTREAL GAZETTE, 24 January 1849.
143. PILOT, 24 January 1849.
144. MONTREAL GAZETTE, 24 January 1849.
145. PILOT, 24 January 1849.
146. MONTREAL GAZETTE, 24 January 1849.
147. PILOT, 24 January 1849.
148. MONTREAL GAZETTE, 24 January, 1849.
149. PILOT, 24 January 1849.
150. MONTREAL GAZETTE, 24 January 1849.
151. PILOT, 24 January 1849.
152. MONTREAL GAZETTE, 24 January 1849.
153. PILOT, 24 January 1849.
154. MONTREAL GAZETTE, 24 January 1849.
155. PILOT, 24 January 1849.
156. MONTREAL GAZETTE, 24 January 1849.
157. IBID.
158. PILOT, 24 January 1849.
159. MONTREAL GAZETTE, 24 January 1849.
160. PILOT, 24 January 1849.
161. MONTREAL GAZETTE, 24 January 1849.
162. PILOT, 24 January 1849.
163. MONTREAL GAZETTE, 24 January 1849.
164. IBID.
165. PILOT, 25 January 1849.
166. MONTREAL GAZETTE, 24 January, 1849.

167. PILOT, 24 January 1849.
168. MONTREAL GAZETTE, 24 January 1849.
169. PILOT, 24 January 1849.
170. MONTREAL GAZETTE, 24 January 1849.
171. PILOT, 24 January 1849.
172. MONTREAL GAZETTE, 24 January 1849.
173. IBID.
174. IBID.
175. IBID.
176. IBID.
177. According to LE JOURNAL DE QUEBEC, 25 January 1849, the discussion ended at midnight.
178. The following was reported by: L'AVENIR, 24 January 1849; MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts; PILOT, 24 January 1849, BRITISH WHIG, 27 January 1849, which acknowledged its source as MONTREAL HERALD, and MORNING CHRONICLE, 29 January 1849; and GLOBE, 27 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source, ST. CATHARINES JOURNAL, 1 February 1849, PROVINCIALIST, 1 February 1849, and PRINCE EDWARD GAZETTE, 2 February 1849, and BATHURST COURIER, 2 February 1849, which acknowledged MONTREAL TRANSCRIPT as their source, in identical accounts.
179. MONTREAL GAZETTE, 24 January 1849.
180. The following was reported by: PILOT, 24 January 1849, and BRITISH WHIG, 27 January 1849, which acknowledged its source as MONTREAL HERALD, in identical accounts; and L'AVENIR, 24 January 1849.
181. PILOT, 24 January 1849.
182. The following was reported by: PILOT, 24 January 1849, and BRITISH WHIG 27 January 1849, which acknowledged its source as MONTREAL HERALD, in identical accounts; and L'AVENIR, 24 January 1849.
183. PILOT, 24 January 1849.
184. The following was reported by: L'AVENIR, 24 January 1849; PILOT, 24 January 1849, BRITISH WHIG, 27 January 1849, which acknowledged its source as MONTREAL HERALD, and MORNING CHRONICLE, 29 January 1849, in identical accounts; MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts; ST. CATHARINES JOURNAL, 1 February 1849, and BATHURST COURIER, 2 February 1849, and PRINCE EDWARD GAZETTE, 2 February 1849, which both acknowledged MONTREAL TRANSCRIPT as their source, in identical accounts.
185. PILOT, 24 January 1849.
186. The following was reported by: L'AVENIR, 24 January 1849; PILOT, 24 January 1849, BRITISH WHIG, 27 January 1849, which acknowledged its source as MONTREAL HERALD, GLOBE, 31 January 1849, and MORNING CHRONICLE, 29 January 1849, in identical accounts.
187. PILOT, 24 January 1849.
188. The following was reported by: L'AVENIR, 24 January 1849; MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts; and BRITISH WHIG, 27 January 1849, which acknowledged its source as MONTREAL HERALD.



189. MONTREAL GAZETTE, 24 January 1849.
190. The following was reported by: MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts.
191. MONTREAL GAZETTE, 24 January 1849.
192. The following was reported by: MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts.
193. MONTREAL GAZETTE, 24 January 1849.
194. The debate on this matter was reported by: PILOT, 24 January 1849, BRITISH WHIG, 27 January 1849, which acknowledged its source as MONTREAL HERALD, and GLOBE, 31 January 1849; and LE JOURNAL DE QUEBEC, 25 January 1849.
195. GLOBE, 31 January 1849.
196. IBID.
197. The debate on this matter was reported by: L'AVENIR, 24 January 1849; MONTREAL GAZETTE, 24 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts; PILOT, 24 January 1849, and MORNING CHRONICLE, 29 January 1849, in identical accounts; GLOBE, 27 January 1849, BATHURST COURIER, 1 February 1849, and PRINCE EDWARD GAZETTE, 2 February 1849, which all acknowledged MONTREAL TRANSCRIPT as their source, and ST. CATHARINES JOURNAL, 1 February 1849, in identical accounts.
198. PILOT, 24 January 1849.
199. MONTREAL GAZETTE, 24 January 1849.
200. IBID.
201. PILOT, 24 January 1849.
202. MONTREAL GAZETTE, 24 January 1849.
203. The debate on this matter was reported by: BATHURST COURIER, 2 February 1849, which acknowledged MONTREAL TRANSCRIPT as its source, ST. CATHARINES JOURNAL, 1 February 1849, PILOT, 24 January 1849, BRITISH WHIG, 27 January 1849, which acknowledged MONTREAL HERALD as its source, and PRINCE EDWARD GAZETTE, 2 February 1849, which also acknowledged MONTREAL TRANSCRIPT as its source, all reporting MacDonald's speech identically, except that the PILOT and BRITISH WHIG's accounts are longer. The rest of the debate was reported by: PILOT, 24 January 1849; ST. CATHARINES JOURNAL, 1 February 1849, and BATHURST COURIER, 2 February 1849, acknowledging MONTREAL TRANSCRIPT as its source, in identical accounts; and PRINCE EDWARD GAZETTE, 2 February 1849, which also acknowledged MONTREAL TRANSCRIPT as its source, in an account which differs slightly from the rest.
204. PILOT, 24 January 1849.
205. IBID.
206. IBID.
207. IBID.
208. IBID.
209. The debate on this matter was reported by: GLOBE, 24 January 1849; MONTREAL GAZETTE, 24 January 1849; PILOT, 24 January 1849; LA MINERVE, 25 January 1849; GLOBE, 27 January 1849, which acknowledged MONTREAL TRANSCRIPT as its source; ST CATHARINES JOURNAL, 1 February 1849,

PROVINCIALIST, 1 February 1849, PRINCE EDWARD GAZETTE, 2 February 1849, GLOBE, 27 January 1849, and BATHURST COURIER, 2 February 1849, which all acknowledged MONTREAL TRANSCRIPT as their source, in identical accounts.

- 210. PILOT, 24 January 1849.
- 211. ST. CATHARINES JOURNAL, 1 February 1849.
- 212. PILOT, 24 January 1849.
- 213. ST. CATHARINES JOURNAL, 1 February 1849.
- 214. IBID.
- 215. PILOT, 24 January 1849.
- 216. ST. CATHARINES JOURNAL, 1 February 1849.
- 217. PILOT, 24 January 1849.
- 218. ST. CATHARINES JOURNAL, 1 February 1849.
- 219. PILOT, 24 January 1849. The ellipses represent illegible passages.
- 220. PILOT, 24 January 1849. The ST. CATHARINES JOURNAL, 1 February 1849, reported that "Witnesses had been brough 150 miles."
- 221. ST. CATHARINES JOURNAL, 1 February 1849.
- 222. PILOT, 24 January 1849.
- 223. ST. CATHARINES JOURNAL, 1 February 1849.
- 224. PILOT, 24 January 1849.
- 225. ST. CATHARINES JOURNAL, 1 February 1849.
- 226. PILOT, 24 January 1849.
- 227. ST. CATHARINES JOURNAL, 1 February 1849.
- 228. PILOT, 24 January 1849.
- 229. ST. CATHARINES JOURNAL, 1 February 1849.
- 230. PILOT, 24 January 1849.
- 231. ST. CATHARINES JOURNAL, 1 February 1849.
- 232. PILOT, 24 January 1849.
- 233. IBID.

TUESDAY, 23 January 1849.

(17)

Petitions  
brought up.

THE following petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of L. E. Brown, Esquire, and others, of the Parishes of Ste. Martine and St. Clément, in the County of Beauharnois.

By Mr. Sauvageau,--The Petition of the Reverend E. H. Blyth and others, of the Parish of Ste. Martine de Beauharnois.

By Mr. Taché,--The Petition of Alexis Rivard and others, of the County of Rimouski.

By Mr. Egan,--The Petition of James Blackburn and others, of the County of Ottawa; the Petition of Joseph Aumond and others, of the County Ottawa; the Petition of Charles Symmes and others, of the County of Ottawa; and others, of the County of Ottawa; and the Petition of James Wadsworth and others of the County of Ottawa, and others residing on the shores of the River Ottawa and its tributaries.

By the Honorable Mr. Laterrière,--The Petition of Frederic Tremblay and others, of the Parish of Baie St. Paul, County of Saguenay; and the Petition of the Reverend François Boucher and others, of the Parish of St. Ambroise de la Jeune Lorette, District of Quebec.

By Mr. Jobin,--The Petition of Michel Henrichon and others, of the Côte St. Paul, in the Parish of Montreal.

By the Honorable Mr. Cameron, of Kent,--The Petition of François Denault dit Jérémie, of the City of Montreal; and the Petition of Daniel M'Pherson and others, of the Town of Stratford, and places, in the eastern section of the District of Huron.

By the Honorable Mr. Macdonald,--The Petition of the City Council of the City of Kingston.

By the Honorable Mr. Viger,--The Petition of J. O. Alfred Turgeon, Esquire, and others, of the Counties of Terrebonne and Leinster.

By Mr. Prince,--The Petition of A. Rankin, Esquire, and others.

By Mr. Bouthillier,--The Petition of the Municipal Council of the St. Hyacinthe, (Seigniorial Tenure); and the Petition of E. Couillard Després, Esquire, Surveyor.

By Mr. Wetenhall,--The Petition of the Municipal Council of the District of Gore (Seneca and Oneida Townships); the Petition of the Municipal Council of the District of Gore (division of District), the Petition of the Municipal Council of the District of Gore (remuneration of Wardens); the Petition of the Municipal Council of the District of Gore (Road allowance); the Petition of the Municipal Council of the District of Gore (Assessment Rolls); and the Petition of George Thomson and others, of West Flamborough and other Townships, in the District of Gore.

By Mr. Davignon,--The Petition of V. P. W. Dorion and others, members of the "Institut Canadien" of Montreal; the Petition of Daniel M'Callum, of the Seigniority of Foucault, County of Rouville, yeoman; and the Petition of M. Townsend and others, the Board of Directors of the Clarenceville Academy, County of Rouville.

By Mr. Fourquin,--The Petition of Alexandre Louis Gouin and others, Municipal Councillors of the Municipality of Yamaska (Seigniorial dues.)



Petition of J. Ouimette and others, referred.

Resolved, That the Petition of Joseph Ouimette and others, of St. Eustache and other Parishes, in the County of Two Mountains, be referred to a Select Committee composed of Mr. Scott, of Two Mountains, Mr. Jobin, Mr. Armstrong, Mr. Cauchon, and Mr. Taché, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Cornwall Election.

Mr. Richards, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, reported, That pursuant to adjournment, the Committee met this day, at twelve o'clock, noon, and having waited for one hour, they were unable to proceed to business, in consequence of the absence of Mr. Chauveau and Mr. Stevenson, members of the Committee.

Ordered, That Mr. Chauveau and Mr. Stevenson, do severally attend in their places in this House, to-morrow.

Mr. J. S. MACDONALD (Glengarry)<sup>1</sup> made a motion, that the printing of the Routine Proceedings should be placed entirely in the hands of the Speaker. He explained that this motion, which was copied from the one generally adopted in England under similar circumstances, was intended to<sup>2</sup> supply the Press with copies of the routine business of this House from time to time. He urged the great necessity of affording this accommodation to the Press, or rather, he should say, the public, to enable the publishers, &c., of the newspapers to give the following morning the details of what passed in that House the evening previous.<sup>3</sup>

MR. INSP. GEN. HINCKS thought this motion would not facilitate the communication of the information to the daily papers which they desired. It was absolutely necessary they should have the proceedings the morning after they took place; but if the Speaker, as provided by this motion, had to examine the proceedings before they were handed to the press, it would be impossible for the printers to have them in time. He (Mr. Hincks) had been a newspaper proprietor, and was perfectly aware how this matter had been managed heretofore. He had himself paid, Session after Session, a clerk of this House to furnish him with the proceedings, and the other newspaper proprietors had done the same<sup>4</sup> and instanced the late hon. J. Neilson.<sup>5</sup> They had been furnished with the proceeding, hour after hour, so as to have them printed in time for the following morning.<sup>6</sup> However, this fact might be urged as an encroachment upon the duties of such clerks, yet this objection might be got rid of by such clerks asserting that such services were rendered in extra hours.<sup>7</sup> The Press felt that it was a hardship having to pay for furnishing this information to the public, and all they desired was to have access to one copy of the proceedings.<sup>8</sup> He wished to see a remedy applied to a wrong system, of which he spoke from actual experience<sup>9</sup> ((but)) he feared this motion would tend to defeat the object which the hon. gentleman who moved it had in view.<sup>10</sup>

SIR A. MACNAB thought the motion would have the desired effect. The Speaker could employ a suitable person to look over the proceedings and see that the newspapers were regularly supplied.<sup>11</sup>

MR. J. S. MACDONALD was satisfied, now that the attention of the House had been called to the subject, he felt satisfied that the object he had in view would be attained.<sup>12</sup>

MR. H. BOULTON thought that the matter should be so arranged, that the printers should be supplied with a portion of the proceedings every half hour.<sup>13</sup>

COL. GUGY made some observations with regard to the liberties taken by what is called the Press, which was a self-constituted authority, &c. There was a vast difference between Editors in office, and out of it--in the former case they were responsible for their acts, in the latter case not.<sup>14</sup> Certain newspapers were entering into a conspiracy to suppress portions of the proceedings of the House. He hoped that if this motion--a favour to the Press--was granted, it would be on the understanding that they should report the proceedings fairly.<sup>15</sup>

MR. J. S. MACDONALD (Glengarry) said it was perfectly obvious the drift of the observations of the hon. Member for Sherbrooke, but he could not see what shadow of objection could be found to the furnishing the Press with the routine business of the previous evening.<sup>16</sup> The motion he (Mr. McDonald) had made did not concern the Press alone, but the public at large: it was a matter which would afford satisfaction to hon. members of the House as they would thus be able to see on the following morning what had occurred in the House on the preceding evening, whether they were in their places or not. It was absurd to pretend that the public were to be deprived of the advantage of this information because any individual hon. member might make a bunkum speech which might not be reported in some one of the city papers. (Hear, hear.) It would be ridiculous to pretend that the House was to dictate to the Press what part of the proceedings they were to report. (Hear, hear.)<sup>17</sup> With regard to the Member who had spoke last, it was dangerous to report his speeches. He would suggest that the entire carrying out this motion be left to Mr. Speaker.<sup>18</sup>

MR. CHRISTIE, referring to the danger just alluded, said he had heard it was resolved by the Press not to take any notice of observations falling from the hon. Member for Sherbrooke.<sup>19</sup> If the Press had any intention of suppressing the speeches of any individual member, they would not... ((permit such a thing.)) It would be a breach of the privileges of the House, and immediately to end anything of the kind, he would move that the House be cleared of strangers.<sup>20</sup>

(17)

*On motion of Mr. Macdonald, of Glengarry, seconded by Sir Allan N. MacNab,*

Votes and  
Proceedings  
to be printed.

*Ordered, That the Votes and Proceedings of this House be printed, being first perused by Mr. Speaker; and that he do appoint the printing thereof; and that no person but such as he*

*shall appoint do presume to print the same.*

Bill to abolish  
Imprisonment  
for Debt.

*Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to abolish Imprisonment for Debt, and to punish fraudulent debtors.*



He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the thirty-first instant.

Bill to relieve  
certain persons  
from Arrest for  
Debt.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to relieve from Arrest for Debt in Lower Canada, persons residing in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, in Wednesday, the thirty-first instant.

On motion of Mr. Christie, seconded by Mr. Guy,

Gaspé Fishery  
and Coal Mining  
Company.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to cause to be laid before this House, copies of the documentary evidence, exhibits, and papers, in virtue whereof the Order of His Excellency in Council, bearing date at Montreal, the twenty-first day of November last,

(18)

relating to "The Gaspé Fishery and Coal Mining Company," took place, giving effect to the Act passed in the seventh year of Her Majesty's Reign, intituled, "An Act to incorporate Charles Cunningham, Richard Norman, Samuel Amory, and others, forming a Joint Stock Company for carrying on the Fishery in the Gaspé District and Gulf of St. Lawrence, and Coal Mining, in the said District," and the Acts supplementary to it.

MR. CHRISTIE.--He took this opportunity of stating that this company having been insolvent for the last 12 months, and the information to be obtained by the papers alluded to, would be very acceptable to numbers who were considerable losers (sic) by the limits of the liability in the shareholders.<sup>21</sup>

(18)

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of the House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Notman, seconded by Mr. Wetenhall,

Waterloo Election.

Ordered, That the Entries in the Journal of this House, of the 9th, 13th, 17th, and 21st March last, relating to the Controverted Election for the County of Waterloo, be now read.

And the same were read accordingly.

Uncultivated  
Lands (L. C.)  
Bill.

Ordered, That Mr. Fortier have leave to bring in a Bill to facilitate the settlement of uncultivated Lands in the Townships of Lower Canada, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twelfth of February next.



Road and  
Bridge Companies  
(U. C.) Bill.

Ordered, That the Honorable Mr. Cameron, of Kent have leave to bring in a Bill to authorize the formation of incorporated Road and Bridge Companies in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Bill respecting  
Aprons to Mill  
Dams.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to repeal the several laws in force in Upper Canada, regulating the construction of Aprons to Mill Dams, and to make provision for better defining the mode of constructing the same.<sup>22</sup>

Hear, Hear, and "very necessary" from the Opposition Benches.<sup>23</sup>

(18)

He accordingly presented the said Bill to the House,

MR. AT. GEN. BALDWIN was afraid that the effect of bringing forth such a Bill would interfere with the Royal Prerogative, and the interests of the public service, at least so he must think without some knowledge of the purport of its provisions.<sup>24</sup>

COL. PRINCE ((made a request.))<sup>25</sup>

MR. H. BOULTON stated that his object was to place the appointments upon a proper legal footing, and not to allow them to be subject to the executive discretion,--and until their salaries &c., were fixed by the Legislature--a system which was found to work well in other countries having constitutional governments. One object was to limit the number to compose the Executive Council.<sup>26</sup>

(18)

and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Executive  
Functionaries  
Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to limit the number of executive Functionaries, and the Salaries to be accorded to each, and for other purposed relating to their appointments to office.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the sixth of March next.

On motion of Mr. M'Farland, seconded by Mr. Thompson,

Niagara Dis-  
trict Town.

Ordered, That the Entries in the Journals of this House, of the 16th April, 1846, and 21st March 1848, which relate to the removal of the District Town of the District of Niagara, and contain the proceedings on the Petition of the Municipal Council of the said District, be now read.

And the same were read accordingly.<sup>27</sup>

Intemperance.

Resolved, That a Select Committee, composed of Mr. Gugy, Mr. DeWitt, Mr. Brooks, Mr. Flint, Mr.

Jobin, Mr. Bell, and Mr. Taché, be appointed to enquire whether any, and what, Legislative measures can be adopted to repress the evils growing out of Intemperance, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Gugy, seconded by Mr. Brooks,

Sheriff of the District of Montreal. Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to cause to be laid before this House, a Statement, in detail, of the income derived by the Sheriffs of the District of Montreal, in virtue of their office; distinguishing the several sources thereof, and specifying the amount of public monies in their hands, together with the profit in the shape of interest, or otherwise, derived by them for the last five years.<sup>28</sup>

COL. GUGY.--He remarked on the unreasonable amount of emolument accruing to this office. He should like to see a good portion of it devoted to the erection of appropriate Judicial buildings.<sup>29</sup>

(18)

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Gugy, seconded by Mr. Brooks,

Crier and Tipstaff of the District of Montreal. Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Statement, in detail, of the income derived in virtue of their offices, by the Crier and Tipstaff respectively of the Court of Queen's Bench for the District of Montreal, for the last five years; distinguishing the several sources of such income.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Gugy, seconded by Mr. Brooks,

Sheriffs percentage. Resolved, That this House will, on Tuesday the sixth day of February next, resolve itself into a Committee to take into consideration the expediency of amending so much of the Ordinance 25 Geo. 3, as empowers the Sheriffs of that part of the Province formerly constituting Lower Canada, to retain two and a half per cent out of the public monies in their hands.

Speech further considered. The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was yesterday proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne at the opening of the present Session of the Provincial Parliament:

To assure His Excellency that this House cordially concurs in the satisfaction expressed by His Excellency, that uninterrupted tranquillity has prevailed in the Province during the Recess:

That the proofs which the people of Canada have furnished during this



period of general excitement and disquietude, of their love of order, and of the attachment they bear to their institutions will, they feel assured, tend to establish the credit of the Province on a firmer basis, and to promote its prosperity:

That they learn with the greatest satisfaction that it is the purpose of their beloved Sovereign to exercise the prerogative of Mercy in favor of all persons who are still liable to penal consequences for political offences arising out of the unfortunate occurrences of 1837 and 1838, and to assure His Excellency that they will with humble gratitude concur in passing any Act that may be proposed to give full effect to this Her Majesty's most gracious intention.

That it affords this House much pleasure to learn, that in compliance with the desire of the Legislature of this Province, expressed in

(19)

a joint Address of the two Houses of the Province, expressed in a joint Address of the two Houses of the Provincial Parliament, the Imperial Parliament has passed an Act repealing the Clause in the Union Act which imposed restrictions on the use of the French Language:

That this House learns with pleasure, that His Excellency has during the Recess been in communication with Her Majesty's Principal secretary of State for the Colonies, and with the Lieutenant-Governors of Nova Scotia and New Brunswick, on the subject of the Provincial Post Office, and that on the meeting of the Imperial Parliament steps will be taken for conferring on the Provincial Authorities the entire control and management of this Department; and they trust that when the arrangements for effecting this object shall have been completed, it may be found practicable to establish a low and uniform Rate of Postage for the British North American Provinces:

That they concur with His Excellency in the belief that an increase in the Representation would be attended with considerable advantage to the public interest, and to assure His Excellency, that the subject, which is one of no ordinary importance, will not fail to receive their best consideration:

That they cordially concur in the gratification expressed by His Excellency, at the opposition manifested at one time in certain parts of Lower Canada, to the School Act, having in a great measure subsided; and that they will readily consent to make such alterations in it, as shall render it as little as possible onerous to the Rate-payer, without, however, compromising the important principle which it has consecrated in securing for all the youth of this section of the Province, the blessing of Education:

That the system of Judicature in both sections of the Province--the Laws for the regulation of Municipalities, and the Constitution of the University of King's College, shall receive their best attention:

That they learn with great satisfaction that the Officers employed in exploring the Country between Quebec and Halifax, with the view of discovering the best line for a Railway to connect these two points, have presented a Report containing much valuable information, and setting forth in a strong light the advantages of the proposed undertaking; and that a Despatch from the Secretary of State for the Colonies has been received by His Excellency, expressive of the interest taken



by Her Majesty's Government in the execution of this great work:

That they will give their best consideration to the Accounts for the past, and the Estimates for the present year, when they shall be submitted by His Excellency; and they beg to assure His Excellency, that he may rely on their readiness to grant the Supplies which are necessary for the Public Service:

That this House participates in the concern expressed by His Excellency, that Canada has been seriously affected by the Commercial depression by which the past year has been unfortunately characterised:

That they feel grateful to His Excellency for having impressed on Her Majesty's Ministers the urgent necessity which exists for the removal of such provisions from the Imperial Statue Book as may tend to restrict the Commerce of this Province, by checking the resort of foreign Shipping to its Ports in search of freight; and that they receive with the highest satisfaction the information that His Excellency's representations on this head have been cordially responded to by the Queen's Government:

That among the measures to which His Excellency has been pleased to refer, as meriting the attention of the Provincial Parliament at the present time, as being calculated to raise the credit of the Province, to extend its trade, and to contribute to the developement of its resources, this House is gratified at finding that His Excellency has particularly directed their attention to the following as specially important:

The provision of such funds may be required for the completion of the St. Lawrence Canals, at the earliest period. With respect to which great works, they are happy to learn that it is believed, that they may be so far perfected at a small additional expense as to permit Vessels drawing nine feet on the outward, and eight feet on the inward voyage, to pass from Lake Erie to the Ocean, soon after the opening of the navigation; and that when this object shall be accomplished, Canada will possess an Inland Navigation unparalleled in capacity and length, and connecting the marts of a Commerce to the growth of which it is impossible to assign limits:

The enactment of a Law authorizing the alienation of works of a purely local character which have been executed at the cost of the Province, and giving the Government such powers as may be necessary for the re-organization of the Provincial Debt, and creation of an efficient Sinking Fund. That it is gratifying to feel that this debt has not been contracted in the prosecution of costly wars, whether of defense or aggression, but in the construction of works of utility, the more important of which can hardly fail, when completed, to prove remunerative; and further, that the existence of a large revenue, derived from Customs, places the creditor of the Canadian Public in a very advantageous position, which will be improved when the principle of a Sinking Fund is brought into active operation:

The amendment of the existing Immigration Act, with a view to the removal of such provisions as tend to prevent Immigrants who propose to settle in Canada, or the Western States of the Union, from proceeding to their destination by route of the St. Lawrence. With respect to which important subject this House fully concurs with His Excellency, that the Passenger Trade is an important branch of the trade inwards, which cannot be discouraged without prejudice to the trade outwards, and

thanks His Excellency for the assurance that he will not fail to make every exertion which the interests of the public health will permit, to reduce the expenditure of Immigration Department to the scale of the years preceding 1847, when a passenger tax, considerably less onerous than that now levied, with the occasional addition of a small grant from the Public Treasury, sufficed to cover it:

That this House receives with peculiar gratification the recommendation of His Excellency to consider the expediency of setting apart a portion of the Public Domain, in order that the revenue derived from the sales thereof, may form a Fund, the interest of which shall be applied to the support of Common Schools; and to assure His Excellency that the subject will receive their best attention, as well as the important suggestion of His Excellency to invest the Capital arising from this source, either in the Stocks of the Province or in those of some of the principal Railways, the construction of which has been sanctioned by Parliament:

That this House feels grateful to His Excellency for the assurance that in maturing these all kindred measures which have the promotion of the moral and economical well-being of the people of this important Province for their object, will ever find His Excellency willing and desirous to co-operate with them:

That they fully concur with His Excellency that in the possession of a Revenue derived from so many independent sources, and exempt from numerous charges that weigh heavily on the resources of other communities, Canada enjoys great and singular advantages; and they cordially unite

(20)

with His Excellency in the hope that, under God's blessing, Legislation may be so directed as to enable her to reap the full benefit to them.

And which Amendment was, that the words, "That the proofs which the people of Canada have furnished during this period of general excitement and disquietude, of their love of order, and of the attachment they bear to their institutions will, they feel assured, tend to establish the credit of the Province on a firmer basis, and to promote its prosperity," be left out, and the following inserted: "That this tranquillity of the people of the Canadas, amidst the deep and general agitation which has urged the most enlightened Nations of Europe to the noblest exertion, often crowned with success, to alter and reform their vicious Governments, unwisely clinging to usurpations made by fraud or conquered by violence during the dark ages, but now intolerable, and that soon must become untenable in presence of free discussion, and yield to the reason and knowledge of the nineteenth century, proves that Canadians of all classes and of all origins have shown themselves friendly to order to a degree proving them entitled of right to be endowed with political institutions much more free and liberal than the defective Constitution imposed on them against their known and declared wishes, through their remonstrances and reiterated Petitions against the re-union of the two Canadas, wisely separated to their mutual advantage in 1791: That until the philanthropic and most judicious plan advocated by that pre-eminent and far-seeing Statesman, Charles James Fox, be realized, by the reform of our Constitution, through the extension of the elective



*principle to many other offices and departments than those wherein it now applies, and to such a degree, that Canadians, as he said, should see nothing to envy in the institutions of their neighbours, we have no better chance in time to come, than we had during a long and painful past, to obtain the good government of the Province, and through good government its general prosperity, and the general contentment of its inhabitants."*

*And the Question on the Amendment being again proposed:-- And a Debate arising thereupon;*<sup>30</sup>

MR. AT. GEN. LAFONTAINE<sup>31</sup> .--M. l'Orateur, en me levant pour prendre part aux débats sur cette adresse, je me lève tout particulièrement pour répondre au discours de l'hon. membre pour le comté de St.-Maurice. En agissant ainsi,<sup>32</sup> je ne suivrai pas l'honorable Membre (M. Papineau) sur le terrain des personnalités qu'il semble avoir parcouru avec tant de satisfaction pour lui-même; le respect que je porte à cette chambre, le respect que j'ai pour mon propre caractère, le respect que je suis obligé de porter à la qualité de représentant de l'honorable membre, me font un devoir de m'abstenir d'imiter sous ce rapport celui dont les déclamations acerbes et virulentes n'ont pas duré moins de trois heures.

J'ai vu avec plaisir que, dans la pensée de diriger ses attaques,<sup>33</sup> tout en se plaçant en contradiction avec lui-même,<sup>34</sup> l'hon. membre a remonté à l'année 1842, époque à laquelle vous et moi, M. l'orateur, nous sommes entrés dans l'administration. Cela me fournit l'occasion non seulement de venger ma propre conduite, mais encore celle de mes amis politiques, si injustement attaqués par l'hon. membre, puisque ce n'a été qu'à leurs pressantes sollicitations qu'en 1842, j'ai consenti à accepter une place dans le ministère.<sup>35</sup> Aujourd'hui, il me condamne d'avoir alors accepté le pouvoir, après m'avoir approuvé dans cette démarche.<sup>36</sup> Supposant que j'aie en cela commis une faute, à qui cette faute a-t-elle le plus profité? N'est-ce pas à l'hon. membre lui-même? Sans cette faute, il ne serait pas aujourd'hui dans cette chambre pour déverser à pleines mains, comme il le fait, l'injure contre ses anciens amis politiques; il serait encore sur la terre de l'exil.

Si c'était une faute, je n'en dois pas seul porter la responsabilité; cette responsabilité, mes amis politiques dont plusieurs siègent encore dans cette enceinte, doivent la partager avec moi. En 1841, je n'avais pas de siège dans cette chambre; la violence m'en avait privé. Un comté du Haut-Canada protesta contre cette violence, en me choisissant pour le représenter en parlement. Je ne pris mon siège qu'à la session de 1843. A cette époque, je refusai les offres de Sir Charles Bagot, lorsqu'elles me furent faites pour la première fois, quelque bienveillantes, quelque honorables qu'elles fussent pour moi.<sup>37</sup> Ces faits sont connus par l'honorable membre pour le comté de St.-Maurice. Je suis convaincu qu'il ne les ignore pas. Je refusai.<sup>38</sup> Je refusai alors, comme en plusieurs occasions, j'avais autrefois refusé les charges les plus élevées que d'autres gouverneurs m'avaient offertes et pouvaient offrir à un Canadien. Et si au lieu de me rendre, en 1842, aux vives instances de mes collègues au nombre desquels se trouvait alors celui auquel l'hon. membre a hier avec tant de profusion prodigué la louange et l'adulation, (son Parent, l'hon. D. B. Viger),



je n'avais écouté que mes goûts et mon intérêt personnel, j'aurais persité (sic) dans mon refus, j'aurais préféré ma tranquillité aux soucis, aux troubles de la vie ministérielle; mais aussi, l'hon. membre ne serait pas où il est aujourd'hui.

J'ai dû céder aux instances de mes collègues, ayant, plus que qui que ce soit, le sentiment de la vaste reponsabilité qui pesait alors sur ma tête. Et quand je pense aux avantages immenses que mes compatriotes en ont recueillis, je n'ai pas lieu de m'en repentir; mon pays m'a approuvé l'hon. membre lui-même à la veille de l'élection générale a dit aux électeurs de Saint-Maurice qu'il m'approuvait! avec quelle sincérité et dans quel but, faisait-il cette déclaration dans son trop célèbre manifeste? Je laisse à cette chambre et à ses électeurs d'en faire l'appréciation.

L'hon. membre se mettant en contradiction flagrante avec cette déclaration que ses électeurs ont dû dans le temps croire être sincère, nous dit aujourd'hui que c'était une faute, un crime pour un Canadien-français, que d'accepter le pouvoir en 1842. Il nous dit quelle devait être, suivant lui, la ligne de conduite, le système d'opposition que nous aurions dû adopter à cette époque et suivre constamment depuis. Il contraste ce système avec le nôtre. A ce point de vue, j'accepte avec plaisir la discussion, et n'en redoute nullement le résultat. La question ainsi posée, voyons quelles ont été pour nos compatriotes les conséquences de notre système, et quelles auraient été celles de celui de l'hon. membre.

Ce n'est pas, je pense, lui faire injure, que de qualifier son système de système d'opposition à outrance; c'est ainsi que lui-même l'a qualifié en plusieurs occasions. Je donne à l'honorable membre tout l'avantage d'une déclaration que j'ai fait souvent, et que je répète aujourd'hui: Dans la pensée du gouverneur qui l'a suggérée, dans la pensée de celui qui en a rédigé l'acte, l'Union des deux provinces devait écraser les Canadiens-français! Ce but a-t-il été atteint? La pensée de Lord Sydenham a-t-elle été réalisée? Tous mes compatriotes, à l'exception de l'hon. membre, répondront d'une voix unanime, non! Mais ils diront aussi, et tout homme sensé le dira, que si le système d'opposition à outrance que préconise l'hon. membre eût été adopté, il aurait accompli dès à présent le but de Lord Sydenham, et les Canadiens-français seraient écrasés! Voilà où nous aurait conduit le système de l'hon. membre, et où il nous conduirait infailliblement encore, si les représentants du peuple étaient assez peu judicieux que de le suivre.

L'on a cité dernièrement, en lui donnant un sens qu'il ne comportait pas, le passage d'un discours que je prononçais à Kingston en 1842, et dans lequel je disais que l'Union avait été faite pour nous anéantir, nous Canadiens-français, mais que malheureusement pour ses auteurs, et malheureusement pour nous, les moyens que l'on avait adoptés pour parvenir à ce résultat, n'étaient pas complets. En effet, il eût fallu, pour réussir, ou ne pas donner aux Canadiens-français part dans la représentation ou donner au Haut-Canada un nombre de représentants plus considérable que celui du Bas-Canada. Et c'est ce qui n'a pas été fait; et c'est ce nombre égal de représentants pour chacune des deux sections de la province, qui nous protège aujourd'hui.

Quoique placés en minorité comme Canadiens-français, notre part à la représentation a encore été assez forte pour nous permettre, avec l'acte d'Union même, en faisant usage de cet instrument fabriqué pour causer notre perte, de lui faire produire un résultat tout à fait opposé à celui qu'en attendait son auteur. Mais si vous et moi, M. l'orateur, n'avions pas accepté la part qui nous fut faite en 1842 dans l'administration des affaires du pays, où en seraient aujourd'hui nos compatriotes? où en serait notre langue que, contre la foi des traités, un gouverneur avait fait proscrire par une clause de l'acte d'Union? Cette langue, la langue de nos pères, serait-elle aujourd'hui réhabilitée, comme elle vient de l'être de la manière la plus solennelle, dans l'enceinte et dans les actes de cette législature? Si, en 1842, nous avions adopté le système d'opposition à outrance de l'hon. membre, aurions-nous été dans une position à solliciter, presser, comme nous l'avons fait, le retour au pays de nos compatriotes exilés? Si nous n'avions pas accepté une place dans l'administration en 1842, aurions-nous été dans une position à obtenir, pour l'hon. membre en particulier, la permission de rentrer dans sa patrie? permission, pour l'obtention de laquelle je n'ai pas hésité, pour vaincre des refus réitérés de la part de Sir Charles Metcalfe, d'offrir ma démission à des emplois largement rémunérés que je possédais alors. Voilà cependant l'homme qui, obéissant à son ancienne habitude de déverser l'injure et l'outrage, ose, en présence de ces faits, m'accuser ainsi que mes collègues, de vénalité, d'amour sordide des emplois, de servilité devant le pouvoir!<sup>39</sup> Il n'y avait qu'un seul capable de m'accuser d'être vénal, c'est l'honorable membre pour le comté de St.-Maurice.<sup>40</sup> A l'entendre, lui seul est vertueux, lui seul est courageux, lui seul aime son pays! lui seul a du dévouement à la patrie! Je ne lui demande pas de reconnaissance; je n'en demande à personne; mais puisqu'il se dit si vertueux, je lui demande d'être juste et rien de plus. Est-il capable de l'être?

Si j'avais adopté son système d'opposition à outrance, où serait l'honorable membre aujourd'hui? Il serait encore à Paris, fraternisant sans doute avec les républicains rouges, ou les républicains blancs, ou les républicains noirs, et approuvant tour à tour les constitutions qui se succèdent si rapidement en France.<sup>41</sup>

A cette époque, le gouvernement d'alors, après plusieurs refus, donna son consentement à ma demande. L'homme qui a pu alors renoncer à son salaire, est pourtant traité par l'honorable membre pour le comté de Saint-Maurice, d'homme vénal. Je m'en rapporte là-dessus, sans crainte, à mes compatriotes.<sup>42</sup>

M. PAPINEAU.--Je ne me suis pas servi envers vous de ces expressions.<sup>43</sup>

M. CAUCHON, d'une voix emportée.--Oui, oui, vous vous en êtes servi.<sup>44</sup>

MR. AT. GEN. LAFONTAINE.--J'en appelle aux membres de cette Chambre, dites si vous ne l'avez pas entendu dire cela, plus que vingt fois; si vous ne l'avez pas entendu répéter constamment que nous sacrifions tout au Haut-Canada, que nous étions des hommes vendus.<sup>45</sup>

M. PAPINEAU.--Je ne me suis servi de ces dernières expressions qu'en parlant des éditeurs de journaux.<sup>46</sup>



MR. AT. GEN. LAFONTAINE.--Voilà, M. l'orateur, les conséquences de deux systèmes que l'honorable membre a voulu comparer; système d'opposition à outrance et système de faiblesse et de temporisation.<sup>47</sup> L'hon. membre nous dit aujourd'hui que c'était accepter l'acte d'Union avec toutes les défectuosités et ses injustices, que de prendre part à son fonctionnement. S'il en est ainsi, chacun de nous, l'hon. membre lui-même, en acceptant le mandat qui nous a été confié et en venant siéger dans cette chambre, doit donc être censé avoir accepté l'acte d'Union avec toutes ses injustices; chaque habitant du pays, en votant aux élections, doit donc aussi être censé l'avoir adopté de même. Si les accusations que la passion et le dépit lui font proférer, étaient fondées, ne pourrait-on pas les diriger contre lui-même, et avec bien plus de force encore? L'hon. membre tient à passer pour ce qu'il appelle consistant.<sup>48</sup> Un homme de mérite, un autre que lui, étant plus conséquent, avait en 41, avait dit lui aussi, vous ne devez pas prendre part au gouvernement. Les Canadiens devraient même s'abstenir de voter<sup>49</sup> ((et d')) accepter de siéger dans l'autre branche de la législature.<sup>50</sup> Celui-là était-il logique? donnait-il un conseil qu'on devait suivre? Il s'est repenti depuis sa faute. Lui aussi pourtant voulait répudier l'acte d'Union. Si nous avons consenti, quand nous avons accepté le pouvoir, à faire fonctionner l'acte d'Union, chaque membre qui a consenti, depuis ce temps, à être élu, n'en a-t-il pas fait autant?

Si nous n'avions pas agi, comme nous l'avons faits (sic), où serait l'honorable membre qui nous en a fait une faute si grave? Il serait à étudier à Paris, ou en promenade à travers l'Europe. Où seraient tant d'autres exilés politiques? ils seraient encore à gémir sur une terre étrangère. Où serait notre langue? Nous aurions peut-être fait de beaux discours, mais nous serions écrasés.<sup>51</sup>

L'hon. membre dont l'imagination est si vive et si féconde, ne voit, et ne veut voir autre chose qu'une approbation de l'acte d'Union seul, dans le mot "institutions" qui se trouve dans ce passage du discours du gouverneur, dans lequel Son Excellence parle de l'attachement du peuple de ce pays à ses institutions. Vraiment, il faut que l'hon. membre partage le sentiment exprimé dans cette chambre par les deux Canadiens-français qui faisaient partie du dernier ministère, et dont l'un était son frère, et l'autre son proche parent, et que, comme eux, il ne voie dans l'acte en vertu duquel nous sommes assemblés ici, qu'une simple charte d'incorporation, et qu'en dehors de cette charte, le peuple canadien n'a aucun droit, aucune institution quelconque qui lui fasse préférer la tranquillité au trouble, à l'agitation liberticide où l'hon. membre voudrait l'entraîner. Mais s'il était vrai que le mot "institutions" dans le passage en question ne doit pas avoir d'autre sens que celui que l'hon. membre s'efforce en vain de lui donner, et que par conséquent il comporte une approbation de toutes les clauses de l'acte d'Union, ne pourrait-on pas rappeler à l'honorable membre qu'il n'est pas sous ce rapport exempt de blâme lui-même, et que nous pourrions à plus juste droit lui faire les reproches qu'il nous adresse aujourd'hui? N'avons-nous pas eu le gouvernement représentatif avant la passation de l'acte d'Union? N'avons-nous pas eu l'acte constitutionnel de 1791? L'hon. membre qui est entré dans la chambre d'assemblée du Bas-Canada plus de vingt ans avant moi, a-t-il



oublié que dans maintes et maintes occasions aussi solennelles que celle-ci, sous l'opération de l'acte de 1791, il a lui-même préconisé et fait l'éloge de l'attachement du peuple à ses "institutions, sa langue et ses lois!"

Et quand l'honorable membre et ses collègues qui nous ont précédé dans la carrière parlementaire s'exprimaient ainsi et employaient le langage que je viens de citer, ne pourrait-on pas dire que lui<sup>52</sup> quand il présidait l'ancienne Chambre<sup>53</sup> et ses collègues approuvaient par là toutes les clauses, de l'acte de 1791, depuis celle qui avait pour objet le principe éminemment aristocratique de créer en Canada des titres de noblesse jusqu'à celle de la constitution d'un conseil législatif, contre laquelle dans les derniers temps, la voix éloquente de l'hon. membre a si souvent fait retentir les voûtes de la chambre d'assemblée du Bas-Canada? Il faut assurément que l'hon. membre soit donné d'une imagination bien vive, et que cette disposition habituelle de tout blâmer, de tout condamner, qui le caractérise, soit bien grande, pour que l'hon. membre ne veuille voir dans ce mot "institutions" qu'une approbation de toutes les clauses de l'acte de l'Union.

L'hon. membre a cité la protestation faite en termes généraux, par les membres de cette chambre dans la session de 1841, contre les clauses injustes de l'acte d'union; il a lu les noms de plusieurs qui siègent encore sur ces bancs, et les a interpellés de se joindre à lui pour protester toujours et sans cesse. Mais si l'hon. membre l'a oublié, lui, ceux qu'il interpelle ainsi n'ont pas oublié, eux, que les clauses injustes contre lesquelles ils protestaient plus particulièrement en 1841, celles qui proscrivaient notre langue et appropriaient nos deniers publics sans le consentement des représentants du peuple, ne font plus partie de cet acte d'union, qu'elles en ont été retranchées. Ils savent également que si nous avons suivi le système d'opposition à outrance de l'hon. membre, ces clauses n'auraient jamais été abrogées, et que ce serait en vain qu'ils auraient persisté à protester.

Mais, nous dit l'honorable membre, il existe encore dans cet acte d'union, une disposition bien injuste, bien vicieuse, selon lui; c'est celle qui fixe le quorum de cette chambre à 20! Et si vous ne protestez pas contre cette clause, c'est que la servilité que vous montrez devant le pouvoir fait taire la voix de vos consciences! Était-ce patriotisme ou servilité de la part de l'honorable membre et de ses collègues dans la chambre d'assemblée du Bas-Canada, que d'avoir fixé pendant un si grand nombre d'années le quorum à 21, donnant ainsi, pour me servir du langage de l'honorable membre, à une minorité, en l'absence de la majorité, le droit de faire des lois? Et lorsqu'étant 84 membres en 1831 ou 1832, nous avons élevé le quorum à 42, la chambre s'est-elle souvent trouvée au grand complet, comme celle-ci l'est presque toujours, quoique le quorum ne soit que de vingt? Pourquoi donc tant se récrier, déclamer contre une clause dont de fait il n'est encore résulté aucun inconvénient? Faut-il donc que, parce que le quorum de cette chambre est fixé à 20, les Canadiens-français renoncent à la protection que leur assure leur participation à l'administration des affaires

publiques, et qu'ils liverent cette administration aux mains de leurs adversaires politiques qui sont devenus aujourd'hui, à notre grand étonnement, l'objet des louanges de l'honorable membre?<sup>54</sup> Le but qu'on doit chercher est donc atteint? Non: c'est une injustice criante, dit l'honorable membre, et les membres qui en 41 ont accepté le pouvoir, ainsi que ceux qui ont voté contre l'Union, sont des hommes méprisables, parce qu'ils ne veulent pas voter avec lui contre la clause de l'acte d'Union qui porte que le quorum de cette Chambre sera de vingt membres.<sup>55</sup>

Une autre disposition de l'acte d'Union, contre laquelle l'honorable membre s'est récrié avec cette force de langage qui lui est particulière, est celle qui donne à chacune des deux sections de la province un nombre égal de représentants dans cette chambre. Lorsqu'il a été question de l'union des deux provinces, et qu'en effet l'on prétendait ne faire des deux Canadas qu'une seule province, il était bien naturel, au premier abord, de crier à l'injustice qui semblait résulter du principe que l'on consacrait en donnant au Haut-Canada, dans la représentation, une part égale à celle du Bas-Canada, quoique la population de celui-ci fut alors de beaucoup plus considérable. Et comme d'autres, j'ai souvent moi-même signalé cette injustice; je l'ai fait à chaque fois que l'on a prétendu que l'acte de Lord Sydenham avait pour objet d'opérer une union des deux provinces. C'est à ce point de vue, je n'en ai aucun doute, que nos amis protestèrent en 1841, contre cette injustice de l'Union. Cependant il arrive aujourd'hui que c'est cette même disposition contre laquelle on s'est tant récrié dans le passé, et que l'honble. membre voudrait faire disparaître, qui protège le Bas-Canada, et plus particulièrement les Canadiens-français. Le protêt de 1841 a eu une portée qu'il faut savoir apprécier aujourd'hui; mais à mes yeux, le refus du gouvernement et de la majorité des membres du Haut-Canada d'accéder à ce protêt en a eu une bien plus grande encore. Ce refus a établi en fait et en droit que l'acte d'union n'avait pas fait des deux Canadas une seule et même législature, deux provinces jusqu'alors distinctes et séparées, et qui devaient continuer de l'être pour toutes autres fins quelconques; en un mot, qu'il y avait eu, à l'exemple de nos voisins, une confédération de deux provinces, de deux états. C'est d'après cette appréciations des faits, fondée sur l'opération de l'acte d'union, tel que le Haut-Canada l'a interprété lui-même lorsqu'il fut appelé à le faire par les membres libéraux du Bas-Canada dans leur protêt de 1841, que j'ai réglé ma conduite politique depuis 1842. C'est en me fondant sur le principe de ne voir dans l'acte d'Union qu'une confédération de deux provinces, comme le Haut-Canada l'a déclaré lui-même en 1841, que je déclare ici hautement que jamais je ne consentirai à ce que l'une des sections de la province ait, dans cette chambre, un nombre de membres plus considérable que celui de l'autre, quelque soit le chiffre de sa population. Pour ceux qui ne se laissent pas aveugler par leurs passions politiques, il doit être évident qu'avant que nous soyons appelés à faire une nouvelle élection générale, le Haut-Canada aura une population plus forte que celle du Bas-Canada. Et c'est en présence de ce fait dont la réalisation n'est que trop prochaine, que l'honorable membre du comté de St.-Maurice vient nous demander à consacrer en fait et en droit un principe qui doit nous placer pour toujours



dans un état d'infériorité, et dont l'adoption serait, plus que tout ce qu'il nous reproche, une ratification, une approbation irrévocable de cet acte d'Union qu'il prétend condamner!

Mais l'honorable membre dont l'amour pour les intérêts politiques de ses compatriotes semble être sans bornes, nous dit que la représentation doit être basée sur la population; et par conséquent peu lui importe que ce principe, mis en action, donne au Haut-Canada, dans la représentation, une part plus forte que celle du Bas-Canada. Justice absolue, dit-il, c'est tout ce que je demande. Il peut déclamer ainsi, lui dont la maxime est: "Périssent la patrie plutôt qu'un principe!" Et moi je lui réponds que ma maxime, bien différente de la sienne, est, que je périsse, s'il le faut, mais que mes compatriotes soient sauvés!<sup>56</sup>

L'honorable membre, faisant allusion au projet de la représentation, il l'approuvera, dit-il, si elle est basée sur la population. Le principe de la représentation basée sur la population, ajoute-t-il, est reçu comme seul praticable, seul bon, dans la république voisine la plus parfaite qui ait jamais existé. Nous faire passer sous la domination des américains, ou nous faire adopter leurs institutions, voilà le rêve de sa vie, son unique pensée.

Les Américains nous dit-il, ont le système de représentation le plus parfait possible; c'est celui de la représentation basée sur la population. Eh! bien je prends l'exemple des Etats-Unis. L'hon. M. soutiendra-t-il que le système de la représentation basée exclusivement sur la population est véritablement le seul qui y soit admis en pratique.<sup>57</sup>

M. PAPINEAU.--Qui.<sup>58</sup>

MR. AT. GEN. LAFONTAINE.--L'honorable membre ne s'est-il pas mépris en appelant à son secours ce qui se pratique chez nos voisins? Celle de leurs institutions qui a quelque analogie avec la position que l'acte d'Union a faite aux deux Canadas, est leur constitution fédérale, celle qui établit un congrès composé d'un sénat et d'une chambre de représentants. Les membres de ces deux corps sont électifs. Dans la chambre des représentants, je suis prêt à l'admettre, chaque état de la confédération américaine y est représenté, ou est censé y être représenté par un nombre de membres en rapport avec sa population; or, si je ne me trompe, je crois que la règle est qu'il doit y avoir un représentant pour chaque 70,000 âmes. C'est ainsi que l'état de New-York compte, dans la chambre des représentants, plus de trente membres, tandis que quelques petits états n'y comptent qu'un seul membre. Mais en est-il ainsi dans le sénat, cette autre branche de la législature fédérale, sans concours de laquelle aucune loi ne peut être passée, et que même possède des attributions qui ne sont pas dévolues à la chambre des représentants? Non, il n'en est pas ainsi, et l'honorable membre le sait aussi bien que qui que ce soit. Cependant le principe électif préside à la formation du sénat. L'état de New-York qui envoie à la chambre des représentants plus de trente membres, envoie-t-il un nombre égal au sénat? Non, il n'a droit d'être représenté que par deux membres. Celui des petits états, qui n'envoie à la chambre des représentants qu'un seul membre, est-il restreint à n'envoyer au sénat qu'un seul membre? Non, il a droit d'y être représenté par deux membres. Si donc, dans la chambre des représentants, il est placé, quant au nombre, dans un état d'infériorité vis-à-vis



l'Etat de New-York, le premier état de l'union américaine, il devient son égal dans le sénat, quelque minime que soit le chiffre de sa population! n'y a-t-il pas là, dans cette institution politique de nos voisins, dont le principe électif fait la vie, la même contrepoids, en faveur de la minorité contre la tyrannie de la majorité, que nous retrouvons dans notre acte d'union, et que l'honorable membre, qui se complait tant à vanter sa constance, veut aujourd'hui faire disparaître, au risque même de faire disparaître en même temps toutes les institutions de ses compatriotes, qui forment, vivifient leur nationalité?

Il y a plus; je crois que certains Etats du Sud, Etats à esclaves, possèdent un autre contre-poids dans le système électif, à l'encontre du principe qu'invoque l'honorable membre du comté de St.-Maurice, contre-poids qui, s'il est vrai qu'il existe, tend à protéger les états du sud contre les états du nord. Si, dans ces états, les esclaves n'ont pas la franchise élective, leurs maîtres l'exercent pour eux, c'est-à-dire que lorsqu'un homme du nord n'a qu'une voix à donner aux hustings, l'homme blanc du sud en a plusieurs à donner, selon le nombre d'esclaves qu'il possède. Peut-être suis-je, sous ce rapport, dans l'erreur, mais il me semble qu'il existe quelque chose de semblable dans les institutions de nos voisins.

L'honorable membre<sup>59</sup> en parlant de représentation, l'a attaquée sous un autre rapport. Il<sup>60</sup> a dit que l'acte d'Union avait créé des bourgs pourris, et que le bill que le ministère devait présenter ne les faisait pas disparaître. Qu'il me permette de lui dire que le nombre de ces bourgs qu'il appelle bourgs-pourris, n'a pas été augmenté dans le Bas-Canada par l'acte d'Union, si ce n'est que la ville de Sherbrooke a pris la place du bourg de Sorel. Mais comment se fait-il que, pendant les trente années que l'honorable membre a eu un siège dans la chambre d'assemblée du Bas-Canada, lui qui y était omnipotent, n'a jamais fait abolir les deux seuls bourgs-pourris, ou les deux seuls qui du moins étaient généralement réputés tels, que nous eussions dans le Bas-Canada depuis 1792? Je parle de Sorel et de Trois-Rivières. Pourquoi l'honorable membre n'a-t-il pas proposé et fait adopter cette abolition dans l'acte de 1829, acte passé lorsque l'honorable membre était tout-puissant dans la chambre d'assemblée du Bas-Canada, et avant que vous et moi, M. l'orateur, nous fussions membres de cette chambre. S'il ne l'a pas fait, n'est-ce pas parce que, quand une fois vous donnez à une localité le droit d'élire un membre, il est bien difficile de le lui ôter ensuite? Et si, aujourd'hui, sans augmenter le nombre des bourgs qu'il appelle bourgs-pourris, nous ne faisons que suivre l'exemple que lui, si pur, si vertueux, nous a donné en 1829, de quel droit vient-il nous adresser des reproches?<sup>61</sup>

L'honorable membre veut que la représentation soit basée sur la population. Pourquoi donc l'acte de 1829,<sup>62</sup> appelé l'acte de subdivision des comtés du Bas-Canada, à la passation duquel l'honorable membre a donné son concours,<sup>63</sup> qui a fait notre école politique, n'a-t-il pas consacré ce principe? Il avait établi, comme base de la représentation, le territoire et la population, non pas la population toute seule.<sup>64</sup> Cet acte a consacré le principe combiné de la population et du territoire. En effet les dispositions de cet acte portaient que lorsqu'un comté dont il avait établi à l'avance les limites territoriales, aurait une population

de mille âmes, mais au dessous de 4,000 âmes, il aurait droit d'élire un membre, et deux membres lorsque sa population excéderait 4,000 âmes, quelqu'en fût alors le chiffre. C'est ainsi que nous avons vu, sous l'opération de cet acte passé sous les auspices de l'honorable membre, un comté contenant à peine cinq mille âmes, exercer le droit d'élire deux membres, tandis qu'un autre comté, avec une population double, triple, quadruple, ne pouvait être représenté que par deux membres à l'assemblée législative! Voilà le principe que l'honorable membre a consacré à l'époque dont je parle. Et parce que, sous ce rapport, nous marchons dans la voix qu'il nous a tracé, il a, lui, cet homme si vertueux, si courageux, la grandeur d'âme de nous accuser de vénalité, de bassesse, d'amour sordide du pouvoir et des emplois salariés! Il a la modestie de se croire autorisé à nous menacer de ce qu'il appelle la colère du peuple. Que l'honorable membre ne se laisse pas abuser par d'anciens souvenirs! qu'il apprenne que s'il veut menacer, je le défie de mettre ses menaces à exécution et que, lorsque le temps sera venu, je serai prêt à le rencontrer en tout temps et en tout lieu, lui, cet homme qui ne cesse de vanter sa vertu et son courage!

L'honorable membre, toujours fidèle à son habitude de tout blâmer et de se servir d'expressions offensantes, a dit, avec ce ton d'assurance qui lui est particulier, que les membres qui représentaient le Bas-Canada dans le ministère, et qui l'y avaient représenté en 1842 et 1843 avaient toujours marché et marchaient continuellement à la remorque de leurs collègues du Haut-Canada. Quand en 1842, je dictai mes conditions avant d'accepter mon siège dans le ministère, ai-je marché à la remorque du Haut-Canada? Quand une fois, dans ce ministère, j'insistai à ce que le siège du gouvernement fut transféré dans le Bas-Canada, et que j'en fis une question de gouvernement, au point même que l'un de mes collègues du Haut-Canada fut obligé d'offrir sa résignation, ai-je marché à la remorque du Haut-Canada? Ce fait seul doit suffire pour faire voir tout ce qu'il y a de futile, d'indécent même dans les accusations que porte contre nous l'honorable membre du comté de St.Maurice. Si vous avez aujourd'hui le siège du gouvernement dans le Bas-Canada, vous me le devez. Si j'ai insisté sur cette transaction, lorsque cette question fut renvoyée d'abord au conseil exécutif, puis au parlement provincial, c'est que je la regardais comme juste pour toutes les parties. Il n'y avait qu'à Montréal ou à Québec, où les deux origines pouvaient être sur un pied d'égalité. Peu m'importait personnellement que le siège du gouvernement fût à Québec ou à Montréal; mais il était juste qu'il soit dans le Bas-Canada; et il y est.

L'hon. membre trouve à redire que, dans cette chambre, il n'y ait que deux membres qui représentent le Bas-Canada dans le ministère, tandis que mes collègues du Haut-Canada au ministère sont en plus grand nombre dans cette enceinte. Et pour mieux faire goûter ce reproche, l'hon. membre, sans s'apercevoir qu'il est en contradiction avec lui-même, nous dit que chaque province devrait être représentée dans cette chambre par un égal nombre des membres du cabinet. Et que devient donc sa théorie de justice absolue, lorsqu'il demande que la représentation soit basée uniquement sur la population? Ne s'aperçoit-il pas qu'ici il reconnaît qu'il y a et qu'il doit y avoir deux provinces distinctes et séparées,



nonobstant l'acte qui les soumet à l'action d'une seule et même législature? Mais est-ce, comme cabinet, ou bien comme représentants du peuple que nous votons dans cette chambre. Pour que le reproche que nous adresse l'hon. membre fut fondé, il faudrait qu'il pût dire que, le ministère, le Bas-Canada est en moindre nombre que le Haut-Canada et c'est ce qu'il ne peut pas dire, puisqu'il sait bien que les deux provinces y sont représentées en nombre égal. Seulement, ceux de mes collègues du Bas-Canada qui ne siègent pas dans cette chambre, siègent dans l'autre chambre.

L'hon. membre s'est efforcé de nous persuader qu'il répudie toutes les distinctions d'origine, a bien voulu néanmoins remarquer, pour nous en faire un reproche, que le commissaire des terres ne devrait pas être un anglais, mais bien un Canadien-français. Il a pris de là l'occasion de faire un peu l'éloge des qualités personnelles de mon honorable ami et collègue le commissaire des terres, éloge pour lequel j'ai raison de croire que mon honorable ami ne lui sera nullement reconnaissant et pour cause. Mais, puisque l'honorable membre était en train de faire des compliments à mon honorable ami quoiqu'Anglais, n'aurait-il pas dû avoir la magnanimité de reconnaître que, sous l'administration du département des terres par cet anglais, les Canadiens-français ont obtenu plus de facilités à s'établir sur les terres incultes de la couronne qu'ils n'en avaient obtenu sous l'administration du même département, par son prédécesseur, bien que celui-ci fut Canadien-français et frère de l'hon. membre du comté de St. Maurice?<sup>65</sup> (Ecoutez, écoutez).<sup>66</sup> C'eut été pourtant un simple acte de justice qu'un tel aveu de la part de l'hon. membre, mais avec la ligne de conduite que l'hon. membre a adoptée, peut-on s'attendre de sa part à un acte de justice quelconque?

L'hon. membre nous a dit, sans doute pour prouver qu'il est de beaucoup supérieur à tous les membres de cette chambre, qu'il n'est pas homme de parti, qu'il répudie ce système de se diviser en partis politiques et de conduire un gouvernement par parti. Cependant l'hon. membre ne cesse de nous vanter tous les jours les institutions politiques de nos voisins. Et je pense que ce n'est pas faire injure à l'hon. membre que de remarquer ici que son désir le plus ardent est que le Canada devienne le plus tôt possible membre de l'union américaine. Eh! bien, M. l'orateur, y a-t-il un pays au monde jouissant du gouvernement représentatif où l'esprit de parti, le système de gouverner par un parti, cette conséquence naturelle et inévitable de ce même gouvernement représentatif, régissent à un plus haut degré que dans l'union américaine, et dans chaque état de cette considération? avec l'ancienne division des partis en whigs et en démocrates, ne voyons-nous pas encore celle des loco focos, des barnburners, ... et je ne sais quelles autres encore?<sup>67</sup>

COL. PRINCE.--Les Hunkers, (rires.)<sup>68</sup>

MR. AT. GEN. LAFONTAINE.--Oh! s'il est vrai que notre annexion aux Etats doive s'accomplir dans un avenir prochain, l'hon. membre devra se trouver bien malheureux, bien à plaindre, et en même temps bien isolé,



au milieu de ces millions de républicains qui nous avoisinent, eux qui subissant, comme l'Angleterre, comme la France, les exigences et les nécessités du système représentatif, c'est-à-dire l'organisation des partis politiques, en un mot le gouvernement du parti politique qui se trouve dans l'ascendant, au sortir de l'urne électorale. Peut-être l'hon. membre ne désire-t-il cette annexion que pour avoir l'occasion de faire revenir nos voisins de leur erreur, et de les convaincre qu'il n'y a rien de si beau qu'un gouvernement où il n'existe pas d'homme de parti.<sup>69</sup> Il se présenterait chez eux comme homme d'aucun parti quelconque.<sup>70</sup>

M. CAUCHON se pâme de rire.<sup>71</sup>

MR. AT. GEN. LAFONTAINE.--Si jamais l'hon. membre entreprend cette tâche, il faut avouer qu'il aura une tâche bien ingrate et bien difficile à accomplir.<sup>72</sup> L'honorable membre a jugé à propos de faire allusions à la nomination des juges, aux deux nominations qui viennent d'avoir lieu<sup>73</sup>; et en faisant allusion à la question de préséance, il a donné de sa connaissance de ce qui se pratique en Angleterre sous ce rapport, la même preuve qu'il nous a donnée l'autre jour de ses connaissances légales au sujet des effets d'un attaînder. Si l'hon. membre avait su que cette clause de préséance est insérée dans la nouvelle commission du juge qui, en Angleterre, est transférée d'une cour à une autre, il ne serait peut-être pas hasardé à parler comme il l'a fait. L'hon. membre ignore (sic) éaglement (sic) le nombre de juges, qui existe en Angleterre.<sup>74</sup> En Angleterre, dit-il, il n'y en a que douze. Il y a probablement longtemps qu'il n'a pas lu son Blackstone. Il y a en Angleterre<sup>75</sup> sous différents noms,<sup>76</sup> des centaines de juges<sup>77</sup> ainsi qu'aujourd'hui dans l'Etat qui nous avoisine. Quand à cette question des juges, il eut été plus convenable pour l'hon. membre ou d'attendre le résultat de l'appel porté en Angleterre, ou d'attendre que la question fut évoquée devant cette chambre par la communication des documents qui y ont rapport. Alors je serai en position de démontrer la futilité et l'injustice des remarques de l'hon. membre. Il a dit que les juges devraient être pris en dehors du cabinet, même en dehors de la législature, dont les membres, dit-il, sont des partisans politiques. L'hon. membre sait, comme nous tous, qu'il n'y a pas de pays où l'admiration de la justice commande plus le respect et l'admiration qu'en Angleterre; et cependant les hommes distingués qui sont appelés au banc, n'ont-ils pas marqué plus ou moins dans la chambre des communes; et si, là, ils ne sont pas membres du cabinet, ils sont membres de l'administration avec laquelle ils en sortent.

Je ne puis laisser ce sujet sans exprimer le sentiment pénible que j'ai éprouvé lorsque j'ai entendu l'hon. membre traiter de "complaisant" l'hon. juge qui récemment a été nommé au banc de Montréal. Il n'y avait qu'un seul homme, parmi ses compatriotes, qui pouvait avoir le courage de lui appliquer cette épithète injurieuse! C'est l'hon. membre pour le comté de Saint-Maurice. Personne ne connaît mieux que lui l'indépendance de caractère, l'intégrité, la fermeté de cet honorable juge, qualités pour lesquelles il a tant souffert dans nos temps malheureux, tandis que d'autres ont montré tant de faiblesse. L'hon. membre n'a pas oublié les

faits auxquels je fais allusion; mais il se laisse toujours entraîner par cette manie si regrettable de déverser l'injure sur tout le monde.

Si nous avons eu deux juges à nommer, en sommes-nous la cause? Est-ce nous qui avons forcé le juge Gale à se démettre de sa charge<sup>78</sup> à Montréal?<sup>79</sup> Est-ce nous qui avons causé la mort déplorable du juge Jones<sup>80</sup> dans le Haut-Canada<sup>81</sup>? Quand nous avons été aplés à donner notre opinion sur les choix à faire pour les remplacer, nous l'avons fait, comme toujours, avec indépendance et en vue du bien public. Et pouvons-nous demander une approbation plus forte de ces choix que l'aveu que l'hon. membre lui-même n'a pu s'empêcher de faire que les deux nouveaux juges, au temps de leur nomination, possédaient la confiance et de la couronne et du peuple?<sup>82</sup>

Mais l'honorable membre ne veut pas que l'on prenne les membres de cette Chambre pour en faire des juges. Il faut les prendre hors de cette Chambre; autrement nous ne pouvons espérer voir nos tribunaux bien conduits. Mais y a-t-il un pays, où l'administration de la justice soit plus respectée qu'en Angleterre? et n'est-il pas vrai que presque tous les juges ont été membres du parlement? que des sollicitateurs et des procureurs généraux y sont presque toujours pris parmi les juges? que ce n'est qu'un refus des sollicitateurs et procureurs généraux qu'on en choisit d'autres? Ces hommes ainsi placés sur le banc de la justice, sont-ils cause que la justice en souffre? Non; l'administration de la justice dans les cours anglaises est entourée et mérite autant si non plus de respect que partout ailleurs.

L'honorable membre, en parlant des juges, a voulu traiter encore une question de droit. Il a dit que le juge Bedard avait perdu sa commission, et que nous en étions la cause. Il aurait peut-être mieux fait, avant de nous accuser, d'attendre le résultat de la décision à ce sujet, en Angleterre; il aurait alors su sur qui pesait en ce cas toute la responsabilité.<sup>83</sup>

L'hon. membre nous a reproché encore l'omission, dans le discours d'ouverture, de toute allusion au paiement des pertes souffertes pendant la rébellion.<sup>84</sup> Et de ce que rien n'était dit à ce sujet, il en a tiré la conclusion qu'on ne s'occupe pas de cette mesure.<sup>85</sup> Faut-il que toutes les mesures qui doivent être présentées aux chambres, soient spécialement mentionnées dans le discours d'ouverture? Si c'était le cas, ce discours deviendrait peut-être aussi long que le discours du président des Etats-Unis; et alors l'hon. membre nous blâmerait, sans doute, de l'avoir fait trop long, comme il nous blâme de l'avoir fait trop court. L'hon. membre blâmera toujours. Qu'il sache, cependant, que, par la longueur de son discours d'hier, il a retardé de vingt-quatre heures, la présentation de la mesure à laquelle il a ainsi fait allusion.

L'hon. membre, parlant de l'acte d'émigration a parlé des changements que le ministère se propose de faire à cet acte, changements qu'il ne connaît pas; et sans attendre que nous les ayons fait connaître à cette chambre, l'hon. membre ne pouvant trouver un fait pour appuyer ses reproches, donne cours à son imagination, et suppose d'abord, puis affirme que ces changements seront de telle ou telle nature, de telle ou telle portée.<sup>86</sup> S'il avait eu la patience d'attendre que notre bill à ce



sujet fut introduit devant la Chambre, il aurait pu y puiser tous les renseignements qu'il peut désirer. Nous nous sommes conformé à l'usage en ne faisant que mentionner le sujet dans notre discours. Nous n'avons pas fait un long discours, et je crois que nous ne mourrons pas pour cela. Mais probablement qu'il aurait fallu, à l'honorable monsieur, un discours comme les messages du président des Etats-Unis?<sup>87</sup>

M. PAPINEAU.--Si vous en étiez capables, ce serait fort heureux.<sup>88</sup>

MR. AT. GEN. LAFONTAINE.--L'honorable membre a fait un appel à la population irlandaise. Il a exprimé beaucoup de sympathie pour les Irlandais. J'avoue que si tous l'aiment, comme ceux que j'ai vus ce matin, il perd son temps à vouloir se les attacher. Mais l'honorable membre n'ignore pas que<sup>89</sup> la taxe sur les émigrants est basée sur l'échelle suivante: 10s. par tête jusqu'au 10 septembre, 20s. du 10 Septembre au 1er octobre, et 30s. depuis le 1er octobre jusqu'à la clôture de la navigation. Sur les £12,000 ou £15,000 que cette taxe a produite dans le cours de l'année dernière, cette échelle graduée de 20s. et 30s. a à peine produit mille louis; et cependant ces pauvres émigrants, pour lesquels l'hon. membre semblait hier avoir tant de sympathie, sont exposés à payer les 30s. par une augmentation correspondante dans le prix du passage, lorsque la taxe à payer n'est que de 10s. ou 20s.<sup>90</sup> Cette taxe extraordinaire avait fourni un prétexte aux capitaines de vaisseaux d'en faire payer le montant tout entier à ces infortunés. Etait-il juste de laisser substituer cette taxe? Non; mais l'honorable membre s'écrie que nous aurons la poste ce printemps, et c'est la seule considération qui l'occupe. Je n'ai pas été peu surpris de voir l'honorable membre, se laissant aller à son penchant naturel de dénigrer tout le monde, faire allusion à un fait qui n'est pas à sa connaissance, mais qui m'est personnel.<sup>91</sup>

L'hon. membre a comparé le Canada à l'Irlande! Quelle comparaison, M. l'orateur?<sup>92</sup> J'aime à croire que le temps est encore loin avant que la population du Bas-Canada vienne à mourir de faim dans les rues.<sup>93</sup> Est-ce que la famine a décimé notre population, comme elle a décimé la malheureuse Irlande? Est-ce que notre population est si dense et si considérable qu'il n'y ait plus de terres incultes en Canada?

L'union, s'écrie-t-il, fait ou fera du Bas-Canada une nouvelle Irlande! Oui, M. l'orateur, je prévois un temps, quoique bien éloigné, où cette prophétie de l'hon. membre pourrait s'accomplir! où l'union pourrait faire du Bas-Canada une nouvelle Irlande! Ce sera quand le Bas-Canada aura été asservi au Haut-Canada, après avoir perdu sa part égale dans la représentation! Ce sera, si jamais l'hon. membre réussit à faire adopter ses vues si funestes à notre avenir, ce sera, dis-je, quand le Bas-Canada, en adoptant volontairement le (sic) représentation basée sur la population, se sera placé lui-même dans cette chambre, vis-à-vis du Haut-Canada, dans un état d'infériorité qui tôt ou tard conduirait infailliblement à sa ruine. Voilà l'époque où devra (sic) s'accomplir les tristes prévisions de l'hon. membre.

Me dira-t-on que, si irrespectivement du chiffre de sa population, la malheureuse Irlande avait eu et conservé jusqu'à ce jour une part



égale à celle de l'Angleterre dans la représentation, elle serait aujourd'hui ce qu'elle est, une terre de souffrances et de malheurs pour ses enfants! Les verrait-on s'expatrier par milliers, comme ils le font depuis un si grand nombre d'années? Non, M. l'orateur; si l'Irlande avait eu avec l'Angleterre cette partie égale dans la représentation, comme le Bas-Canada la possède aujourd'hui avec le Haut-Canada, l'Irlande n'aurait pas été asservie comme elle ne l'a que trop été malheureusement; ses habitants ne périraient pas de famine et de misères dans leurs demeures et sur la voie publique; ils auraient eu, dans leurs co-sujets anglais, non des maîtres, mais des égaux.

Je terminerais ici, M. l'orateur, si l'honorable membre au moment de reprendre son siège n'avait pas, sans en savoir, comme il l'a déclaré, aucune connaissance personnelle, fait allusion à une circonstance qui me regarde non seulement moi personnellement, mais également quelques amis politiques. L'honorable membre, après avoir rapellé que le district de Québec et celui des Trois-Rivières, avaient protesté contre le projet d'union des deux provinces, en signant la requête préparée à cet effet par le comité de Québec, a voulu donner à entendre, quoiqu'il avoue n'en avoir aucune connaissance, que si le district de Montréal n'avait pas imité leur exemple, le blâme devait retomber sur moi qui, a-t-il bien voulu dire, exercerait une si grande influence dans ce district. L'honorable membre, lors de son voyage de Québec, a appris que le comité formé dans cette ville pour protester contre l'union, m'avait adressé sa requête, et que je n'en avais rien fait. Voilà ce que l'honorable membre a appris et qu'il a le courage de répéter, en s'appuyant sur des renseignements tronqués et s'occupant fort peu de calomnier un homme dont il approuve, dit-il, le passé, passé dont il a bien voulu faire l'éloge; avec quelle sincérité? Ce n'est pas à moi de le dire.

Si l'honorable membre est sincère quand il fait l'éloge de ce qu'il appelle mon passé, je l'interpellerai au nom de ce passé. Je ne lui parlerai de mon présent, n'ayant aucun désir de rechercher son approbation. Je lui demanderai, si, par respect pour ce passé, il ne devait pas, comme un homme d'honneur, chercher à connaître toute la vérité, avant de se croire autorisé à lancer cette calomnie contre moi! L'honorable membre est doué d'un courage qui lui est particulier, c'est celui de calomnier ses compatriotes!

S'il n'a pas voulu connaître la vérité, je la lui dirai toute entière. Si je suis obligé de dévoiler des faits dont je n'aurais jamais voulu parler, si la relation de ces faits n'est propre qu'à faire naître des sentiments pénibles, la faute n'en sera pas à moi mais bien uniquement à l'honorable membre, puisque, pas ses imputations injustes et mal fondées, il me force à parler.

Il est vrai que la requête de Québec me fut envoyée; mais il est également vrai qu'il s'y trouvait un passage auquel je ne pouvais pas donner mon approbation; et j'en informai de suite un membre du comité de Québec, avec lequel j'étais alors en correspondance, je consultai quelques amis de Montréal, et tous furent de même opinion que moi. Je me consultai entr'autres avec mon ami, M. Cherrier, proche parent de l'honorable

membre, et qui comme moi avait fait partie de la chambre d'assemblée du Bas-Canada dans son dernier parlement. Nous vîmes, ou du moins nous crûmes voir dans le message en question, une condamnation des procédés de cette chambre; à nos yeux approuver ce passage, c'eût été signer notre propre condamnation, et encore bien plus celle de l'honorable membre. L'on n'a pas oublié que dans la session de 1837, une portion assez considérable des membres de Québec, avait différé d'opinion avec la majorité et il me sera permis de remarquer que la requête de Québec avait été rédigée par un homme qui, il est vrai, je me plais à le reconnaître, était sincèrement opposé à l'union des provinces, mais qui, il n'est pas moins vrai, avait dans son journal, continuellement condamné les procédés de la chambre d'assemblée durant ce parlement. Je parle de l'honorable John Nelson.

Je rédigeai une nouvelle requête pour protester contre ce projet d'Union; en substance c'était celle de Québec, moins le passage en question.<sup>94</sup> Je fis ensuite convoquer l'assemblée de Montréal; et puisque l'honorable membre me force à parler, je dirai des choses que je n'aurais certainement pas dites autrement. Le pays et surtout le district de Montréal était alors dans l'état le plus déplorable, dans l'état de découragement le plus complet. Nous convoquâmes néanmoins une assemblée dans la ville de Montréal: elle devait donner l'élan<sup>95</sup> aux campagnes. Cette assemblée, à notre grand regret, fut peu nombreuse. Un comité fut nommé afin d'organiser la ville et les campagnes.<sup>96</sup> Dans la première nous étions une cinquantaine de personnes, dans la seconde nous n'étions qu'une dizaine et dans la troisième il n'y avait que M. Cherrier, moi et le maître de la maison où l'on s'assemblait.<sup>97</sup> M. Cherrier et moi, nous trouvant seuls, nous pûmes nous dissimuler qu'il était impossible de mouvoir et la ville et les campagnes, tant était grand le découragement où les avaient jetés les événements malheureux dont ils avaient souffert. Si ce découragement, dont l'honorable membre doit répondre plus que tout autre, ôtait aux uns leur énergie, il y en avait d'autres, et ils n'étaient pas en petit nombre alors surtout dans cette ville, qui, voulant à tout prix se soustraire de la législation du conseil spécial et au gouvernement arbitraire que nous subissons à cette époque, nous refusèrent leur concours et leur appui, et semblaient prêts à tout accepter, pourvu que le gouvernement représentatif fut rétabli.<sup>98</sup> Un plus grand nombre encore ne voulait plus, disaient-((ils)), recommencer à faire de l'agitation.<sup>99</sup> Telles sont les causes du non succès de cette pétition que M. Cherrier et moi fûmes obligés d'abandonner.

Il m'est pénible, comme canadien, d'avoir à les produire publiquement. C'est l'honorable membre qui m'a obligé de le faire, en me mettant dans la pénible nécessité de repousser ses imputations gratuites et ses calomnies.<sup>100</sup>

Voilà dans quelles circonstances la cité de Montréal n'a pas protesté contre l'Union. J'ai dans cette circonstance tout fait moi-même; j'ai payé toutes les dépenses de ma poche (écoutez, écoutez.) L'honorable membre croit sans doute qu'en attaquant le gouverneur, il rend service à ses compatriotes. Les gouverneurs ne viennent ici que pour faire de l'argent? Il a dit cela à la face d'un homme, qu'il a été obligé lui-même de louer. Croit-il que c'est rendre service à ses compatriotes,



que de venir ainsi, sans raison, injurier les gouverneurs du pays? Il peut satisfaire sa passion de tout condamner, de tout décrier; mais il n'exprimera pas par là les sentiments de ses compatriotes, en agissant ainsi.

Nous avons, dit-il, tout sacrifié, en acceptant des emplois sous l'Union. Mais ce fait étant accompli depuis longtemps, quand il adressa son premier manifeste à ses électeurs. Pourquoi alors, ne s'en est-il pas plaint? non, il s'est tenu dans le mutisme, dans lequel il se tenait depuis longtemps. Il avait été à même de voir si j'avais bien ou mal agi; pourquoi ne nous condamnait-il pas alors, comme il le fait aujourd'hui! Je déclare que si la cinquantième partie des injures portées par lui, contre moi, étaient méritées, je laisserais la Chambre; je ne mériterais plus de me présenter devant mes compatriotes; mais j'en appelle à mes compatriotes, je ne crains pas d'en appeler à eux là où il voudra; en tout temps et en tous lieux.

Le système de gouvernement, que nous avons adopté en 42, était le seul qui pouvait sauver mes compatriotes; il a eu de plus heureux effets, que tous ceux qui l'ont précédé, et qu'en aurait à coup sûr celui qu'il nous conseille aujourd'hui. Nous sommes maintenant plus forts que nous l'étions même avant 37. Quel pouvoir avait alors la Chambre d'assemblée? Un homme d'esprit a dit qu'elle n'était qu'une salle de discussion. Où était le pouvoir de cette Chambre au dehors? Quelle action, quelle influence exerçait-elle sur ceux qui gouvernaient le pays? Votre langue était alors exclue des bureaux publics. Aujourd'hui on l'y voit partout; elle est maintenant sur le même pied, que la langue anglaise. Voilà le résultat du système, si blâmable suivant vous, que nous avons suivi. Je laisse à mes collègues, à juger quel aurait été pour mes compatriotes le résultat de l'opposition à outrance que préconise l'honorable membre; il serait encore en France!<sup>101</sup>

Mais ce qu'il doit y avoir de pénible non seulement pour moi, mais encore pour tous mes collègues dans le ministère, et pour la majorité de cette chambre qui nous soutient de sa confiance, ce sont les accusations de la vénalité et de servilité que l'honorable membre a eu le courage de lancer contre nous, et qu'il n'a cessé de répéter, comme pour nous faire croire à sa sincérité. Eh! bien, M. l'orateur, j'interpelle l'honorable membre qui vient de se montrer si courageux! Qu'il mette la main à l'endroit où il doit être supposé avoir une conscience, et qu'il déclare, s'il croit lui-même ce qu'il a dit!<sup>102</sup>

MR. REC. GEN. VIGER.--L'honorable membre pour le comté de St.-Maurice nous a fait un très long discours. Il lui a plu de faire une observation dans laquelle je suis concerné d'une manière particulière. Il m'a reproché d'avoir accepté la situation de receveur-général de la province, tandis que j'étais à la tête d'une banque de cette cité. Je désirerais en conséquence connaître s'il existe quelque règle passée dans cette Chambre qui fisse voir l'incompatibilité de ces deux situations, s'il existe quelque loi de la législature qui empêche un individu de remplir une place honorable en même temps qu'une situation privée? Quant à moi, quand la situation de receveur-général m'a été offerte, j'ignorais qu'il n'y ait aucune loi de cette nature et je l'ignore encore, quelques recherches que j'aie pu faire à cet effet. La seule loi que j'ai vu concernant la



situation que j'occupe, c'est que j'étais obligé de donner deux cautions, ce que j'ai fait immédiatement.

Si l'honorable membre prétend faire de mon acceptation de cette place, un sujet d'accusation soit contre moi, soit contre l'administration, il en a toute la liberté. Pour moi, je n'ai vu aucune loi qui m'empêche de prendre cette situation, et quand je suis entré dans l'administration, on ne m'a fait aucune condition. Aurait-on fait un semblable reproche à la dernière administration? Je veux parler de la situation de M. McGill, qui était le président de la Banque de Montréal. Y-a-t-il eu quelque désapprobation à ce sujet; les membres de cette Chambre se sont-ils montrés disposés à condamner la chose? Non. Il est vrai qu'une fois en a fait l'observation. Mais il n'y a pas eu d'enquête.

Je suis informé que la même remarque a été faite dans le conseil: mais la résolution qu'on y a présentée à ce sujet a été perdue. Pourquoi l'honorable membre vient-il donc m'accuser de ce que je suis sur le banc? Est-ce parce que j'ai eu l'avantage d'avoir été pendant 15 ans président de la banque du peuple, ce qui, dans mon humble opinion, a pu procurer quelque bien au pays? Tout le temps que j'ai été dans la ville de Montréal, j'ai dévoué mon temps à cette institution; et l'on sait que je n'ai jamais reçu de rémunération pour mes services. Je n'en ai jamais demandé. Ce n'était pas mon but.

En 1843, ayant jugé à propos d'aller demeurer à la campagne, je sollicitai mes amis de ne vouloir plus m'élire le président de cette institution, voir que j'étais dans une situation à ne pouvoir plus leur rendre les mêmes services. Ils ont persisté, ils ont toujours voulu me garder comme président de cette institution. Le printemps dernier, en raison de la situation que j'occupais, je pouvais espérer être plus utile là que pendant mon séjour à la campagne mais je me suis trompé. Mes occupations m'ont empêché de pouvoir assister aux délibérations de son comité de direction. En conséquence, j'ai pris la détermination de donner ma résignation; mais je prie cette assemblée de considérer que ce n'est pas parce que j'étais receveur général, que je l'ai fait. Car je dis que si, sous ce rapport, on m'en eut fait la condition, je me serais au moins réservé le droit d'y penser. J'ai donné ma résignation sur le principe seul que mes occupations ne pouvaient me permettre de rendre à la banque, les services qu'on pouvait attendre de moi, et, en conséquence, je les priais d'accepter ma résignation. Je suis encore en négociation avec ces messieurs, la chose n'est pas encore terminée, quoique tout d'abord je me suis mis dans la position d'une résignation.

Si cette Chambre juge à propos de passer les résolutions pour empêcher les membres de l'administration de se livrer à des occupations particulières, alors ceux qui seront appelés à chaque charge, seront les maîtres d'accepter ou non; ce sera à eux à juger si leur intérêt le leur permet ou non. Mais je prierai cette Chambre de considérer que l'administration sous le mode dont elle est composée est sujette à varier à chaque instant! Aujourd'hui nous sommes en situation, demain peut-être ne le serons-nous pas. Or, est-il possible, avec un tel état de choses, d'exiger qu'un individu renonce à un bon emploi particulier, pour accepter une place qu'il ne pourrait peut-être occuper que quelques

mois? C'est une chose à laquelle nous sommes toujours exposés; car si je regarde mes prédécesseurs, je vois qu'ils n'ont fait que passer. Si j'ai été précédé par deux ou trois personnes dans un rien de temps, la même chose ne peut-elle pas m'arriver? Ne puis-je pas être, au premier moment, forcé de laisser ma situation? Quel est donc l'homme qui voudrait consentir à abandonner toutes ses espérances privées, pour une situation qui peut ne durer, peut-être, qu'un instant?<sup>103</sup>

DR. DAVIGNON.--M. l'Orateur.--J'aurais donné mon vote sous silence sur la question présente, si l'hon. membre pour St.Maurice n'avait pas fait allusion à la conduite que j'ai jugé à propos de tenir dans la dernière session, au sujet de la loi des banqueroutes. Je dois dire, M. l'orateur, que j'ai retiré mon bill alors, convaincu comme je l'étais et comme je le suis encore, que les intérêts d'une classe particulière doivent être mis de côté lorsqu'il s'agit de l'intérêt général du pays. Je dois de plus à mon caractère de déclarer que je n'étais pas alors influencé par le ministère, et je puis assurer l'hon. membre de St.Maurice que je suis parfaitement indépendant du ministère. Je suis bien décidé, M. l'orateur, à supporter l'administration, si, comme j'en suis bien convaincu, elle vient en avant avec de bonnes mesures, de même que je suis bien décidé à lui retirer mon faible appui, si elle manque à son devoir. Puisque j'en ai l'occasion, M. l'orateur, je dois dire à l'honorable membre pour St.Maurice, que moi aussi, j'ai protesté contre le bill d'Union, qu'il se rappelle l'élection du comté de Rouville en 1841. Les électeurs que j'ai l'honneur de représenter ont scellé de leur sang au poll, alors leur protêt contre ce bill qui n'a été inventé que pour nous perdre; mais je dois aussi déclarer, M. l'orateur, que je n'ai pas aujourd'hui contre ce bill la même aversion que j'avais alors, depuis que j'ai vu s'unir au parti auquel je me fais un honneur d'appartenir, des amis tels que ceux avec qui je vais avoir le plaisir de voter ce soir. Je dois de plus dire ici que l'expérience que j'ai acquise en politique m'a fait décider à ne suivre que ma conscience, sans être influencé par qui que ce soit, c'est ce qui fait que je voterai avec plaisir pour les résolutions de mon honorable ((ami)) pour Leinster.<sup>104</sup>

MR. MCCONNELL said that as it was intended to vote upon the whole of the Address, and not to take each paragraph separately, he would be obliged to make a few remarks which he would otherwise have reserved until the paragraphs which they referred to came under discussion. The Address said, in reference to the School Act, that all opposition to the School Bill had disappeared. He did not know where this information was obtained, but it certainly was not from his part of the country where the School Bill<sup>105</sup> had proved an entire failure. (Hear, hear.)<sup>106</sup> With regard to the paragraph which spoke of the increased Representation, he thought that an increase in the Representation was not called for, there might have been petitions praying for it, but not from his part of the country; there might be good reasons for such increase, but he must confess he did not see any. They were deep in debt, and an increase in the Representation must increase their expense. When the other day, he had looked into the Court Queen's Bench, he thought something was required there. --When he looked at the state of their Public Works, he thought that something must be done



to put them in such as would enable them to pay the interest on the large sums expended on them, and these objects would require all the money they could spare. It would be necessary to increase the Representation, he dare say, in some newly settled parts of the Province, but certainly not throughout the whole Province generally, and he was against increasing expenditure until the improvements he had just spoken of were first completed. In consequence of the Address containing the few paragraphs he had just spoken of, he could not vote for it.<sup>107</sup>

MR. INSP. GEN. HINCKS said there were one or two subjects to which the hon. and learned member for St. Maurice referred in his speech on the preceding evening, to which he desired to allude. The hon. member was pleased to refer to one of the measures of the Administration,--the issuing of Debentures, and he asserted that by that means they had very seriously injured the public credit, and also that they had not taken those steps which they ought to have done to obtain the money necessary for carrying on the public business. Now, the hon. and learned gentleman ought to be aware what steps the Government had taken before he made such a charge as that. (Hear, hear.) When the present Administration took office, they found that their predecessors had been endeavouring for some time to obtain loans in England to negotiate the Debentures previously authorized by the Legislature. From that time up to the present, it had been found impossible to negotiate any of these Debentures. The late Administration, before going out of office, had made very large contracts for carrying on the public works. It was not now the time to discuss the prudence or wisdom of those contracts, but it was absolutely necessary that the works should be gone on with; and he would say this, that notwithstanding all the remarks which had been made, both in the House and out of doors, with regard to the position of the Government as to the credit of the Province, that the only embarrassment now felt was in consequence of their being obliged to go on with these works--from the fact that £150,000 had been expended on public works over and above the amount of the loans which had been negotiated. If they had been able to negotiate a loan, Government would have had no occasion to issue Debentures, and they would have been able to go on with the ordinary business of the Government without difficulty. The hon. member for St. Maurice complained that the Debentures were too small, and spoke of them as being for such pitiful sums. He (Mr. Hincks) had generally heard complaints the other way, viz., that they were too large. If they had been smaller, no doubt they would have been more current--As there was no large amount of capital in this Province to take a loan, and as they were unable to negotiate one elsewhere, the most convenient mode that could be adopted was the one the Government took, viz., to issue these Debentures receivable for public dues. True, they had not kept all the time at par; but in this part of the Province, they had been nearly so, at all events. What else could the Government do under the circumstances?<sup>108</sup>

SIR A. MACNAB.--Call Parliament!<sup>109</sup>

MR. H. SHERWOOD.--By what authority?<sup>110</sup>



SIR A. MACNAB.--By the authority of Act of Parliament!<sup>111</sup>

MR. H. SHERWOOD.--Of last Session?<sup>112</sup>

SIR A. MACNAB.--Yes! and some others!<sup>113</sup>

MR. INSP. GEN. HINCKS((in continuation)) --The hon. member for St. Maurice was afraid that all the money expended on our canals would prove to have been wasted. He differed from the hon. gentleman when he said that these canals would never be used, and that sea-going vessels would not go up to the Lakes. Well, and if they did not, vessels from the interior would go to Quebec, as they had been doing last season. There was no doubt that the opening of these canals had already produced a very great reduction in freights between the ports on the Western route and the city of Quebec. He felt sanguine that these canals would yet pay, and pay very handsomely, notwithstanding their apparently discouraging state at present. (Hear, hear.) The hon. member for St. Maurice had referred to a protest against the Union in 1841, and had alluded to himself and his hon. friend near him (Mr. Price) as having signed it. Now, if the hon. member would but refer to the Journals of that period, and to the resolutions moved in amendment to the Address, which he (Mr. Hincks) supported, he would find that there was nothing in those resolutions to which he (Mr. Hincks) was not prepared to subscribe now. At that time, it was well known that he was not adverse to the principles of the Union, although he objected to some clauses of the Union Act, most of which had now been repealed--such as the clause whereby the Civil List was voted by the Imperial Parliament, and the clause relating to the French language, both of which he had strenuously opposed. The question of representation was at that time a very strong objection to the Union; but circumstances had since greatly changed. The relative population of Upper and Lower Canada was not now what it was in 1841. There was now but a very slight difference between the population of the two Provinces. After some further remarks on the system of representation in the State of New York, which, he said, was not based on population, Mr. Hincks resumed his seat.<sup>114</sup>

COL. PRINCE wished to say a few words<sup>115</sup>.

Cries of spoke, spoke<sup>116</sup>.

COL. PRINCE.--But there had been an amendment moved since, and he wished to speak a few words on it.<sup>117</sup> He had looked through the amendment, and intended to support it. (Ironical cheers.) It was an amendment to which he would particularly call the attention of the very liberal gentlemen who call themselves "Exclusive Reformers." It was an amendment which invited them to carry out those liberal principles which they had to his (Col. Prince's) knowledge for many years promulgated and asked for. He should call on his hon. and learned friend the Attorney General East to support this amendment, and also upon the two members of Two Mountains and Beauharnois. He would ask their support, because they had advocated similar doctrines in a former day; and he would show, by the Journals of the House, that these gentlemen, so fond of accusing others of inconsistency, were themselves inconsistent. (Laughter.) The amendment

asked for "liberal institutions." Why, the very words were enough to charm every one in these days; and then it set forth the reform needed. Now, he asked the gentlemen composing the Administration and their supporters, if they would have objected to this amendment if they had been out of power? He asked the Attorney General West, if there was anything objectionable to him in this amendment, except the proposal that the Legislative Council should be elective, which he had always opposed, but which he (Col Prince) was not sure would not be a very sensible enactment? (Ironical cheers.) Could the "Reformers" beat him in liberality? (Loud laughter.) That laugh was the laugh of triumph; the Ministry wanted no alteration now because they were in power--

The Devil was sick,  
The Devil a monk would be;  
The Devil got well,  
But devil a monk was he.

(Loud laughter.)<sup>118</sup> If they had been out of office they would have voted for it, but now they were in power and they would not.--(Hear.) Let them refer to the Journals of Lower Canada, not a great many years ago, (only in 1834,) during the famous 92 Resolutions and they will find that the Hon. Attorney General East was no stranger to them. (Mr. Lafontaine voted for them.) In the 17th Resolution he found the same sentiment embodied which was contained in the amendment; and upon referring to the votes taken upon that Resolution he found amongst those who supported it the names of Lafontaine, Morin, and Scott. So much for that part of it. So anxious were the hon. members for an elective Legislative Council, that next year, he found they addressed the Queen, and the Imperial Parliament, praying for general reform. (Here the hon. member read an extraction out of the Addresses.) The vote upon that question was Yeas, 55, Nays 7, and amongst those who supported that Address were Messrs. DeWitt, Lafontaine, and Morin. He did not intend to reproach them for the vote which they gave on that question but he merely wanted to ask how they could reconcile themselves to vote against the amendment which contains the same speech which was embodied in it.<sup>119</sup> Ironical cheers.<sup>120</sup>

MR. H. SCOTT (of Two Mountains) said he did not intend to vote for the amendment, at the time of the 92 Resolutions, they were under a very different state of things, they had a very large majority in the Legislative Assembly and passed many measures for the improvement of the country; but all these measures were legalized in the Legislative Council at that time. Then the Legislative Council was a very different body: it was chiefly composed of members of the family compact, of a set of men who whispered into the ears of each of Her Majesty's Representatives as they arrived in this country. In fact, it was they who drove the people of the country into the rebellion which followed, and if the present Legislative Council was composed of similar men or acted in the same manner, he would vote again for making it elective, as he did on that occasion. In now voting against the amendment, he gave his sincere vote, and he desired it to be believed to be such.



He did not agree on every word contained in the Address, the School Act, he dared say, did not give satisfaction in many parts of the country, and would require to be amended--(Hear, hear.) The Municipal Act, also, did not please the country and would require to be amended; but he said, if they wished to give a vote for the present Ministry they ought not to ... each word in the Address; and if a division took place upon any paragraph which he could not exactly concur in, he would vote for it, until the Ministry had been allowed to alter it. He wished to give them a fair trial, as had been given their predecessors; it was only when the last ministry neglected the interests of the country that he deserted them.<sup>121</sup>

DR. NELSON then rose, and began to speak in French<sup>122</sup>.

Cries arose of "In English."<sup>123</sup>

DR. NELSON.--He told them he would speak in English after he had spoken in French<sup>124</sup>. M. l'Orateur, je n'ai pas eu l'avantage de me trouver ici au commencement de ce débat. Je désire savoir de vous si par la question qui se trouve devant la Chambre il s'agit de répondre à une, deux, ou trois des clauses de l'adresse, ou bien l'adresse en entier?<sup>125</sup>

M. MORIN l'Orateur--Le débat est sur l'adresse toute entière. Il y a une motion et un amendement.<sup>126</sup>

DR. NELSON.--Eh! bien, M. l'Orateur, quoique qu'il y ait un peu de différence d'opinion, à ce qu'il paraît, ça ne m'empêchera pas de faire les remarques que je dois faire. Je devrais dire d'abord que la position que paraissent avoir pris nos voisins de l'autre côté, me paraît une position qui leur fait bien honneur, qu'il y a beaucoup de force de caractère dans la position qu'ils ont prise. Et il me semblait que je devais en conclure qu'on avait tort de vouloir à tout moment jeter des embarras dans leur passage. Je suis fâché, je le dis du fond de mon coeur, de voir que la première disposition contraire qui a été manifestée ici a été manifestée de la part de l'honorable membre pour St.-Maurice.

Je prouverai qu'il a manifesté une détermination de tout arrêter... s'il pouvait. Il a eu l'air de se jeter à corps perdu dans ce sentier qui paraissait mener au bonheur de son pays. La première occasion où il a manifesté ces dispositions, est une occasion où lui plutôt que tout autre homme, dans tout le pays, aurait dû voir qu'il ne devait pas agir ainsi. Comment, M. l'Orateur, le gouvernement veut bien passer l'éponge sur les événements, dans lesquels personne n'a plongé plus que l'honorable membre lui-même, qui, dis-je, n'a rien oublié ni rien appris, et l'honorable membre vient semer parmi nous la discorde? Il a dit que le ministère était profond comme l'abîme, muet comme la tombe. Je dis moi que lui l'honorable membre a été muet, jusqu'à ce qu'il eût pu réussir à recevoir de l'argent...son Dieu...son grand Dieu!

C'est après qu'il eût reçu ses 18000 piastres, que sa langue s'est débilée. Oh! il n'avait plus de mutisme. Voilà mon homme déterminé à ramender les événements passés...si c'était possible. Il a usé d'une indiscretion qui serait à répudier chez un jeune homme.<sup>127</sup> Il accuse d'une manière grossière et révoltante toute la presse libérale du pays, la Minerve, les Mélanges Religieux, le Journal de Québec, le Pilot, et même<sup>128</sup> un journal ... qui est défunt, rédigé par un jeune canadien qui a fait



honneur à son pays; je veux dire l'éditeur de la Revue. Il a attaqué un autre jeune monsieur, bien jeune en effet, qui démontre un talent bien supérieur, une connaissance que l'honorable membre lui-même pouvait, avec beaucoup d'avantage, avoir. Il a dit de l'éditeur des Mélanges--ce mince éditeur, ce très mince éditeur!<sup>129</sup> J'ai le plaisir de bien connaître ce jeune monsieur, et je dis qu'il est bien peu libéral de la part de l'hon. membre de St.Maurice de l'attaquer avec aussi peu de réserve. Il serait heureux aussi, pour le pays, qu'il ne fut pas forcé à devenir le témoin du triste spectacle d'un homme âgé, se débattant en maniaque, lorsqu'il devrait se faire remarquer par la pensée et la discrétion. Quant aux autres journaux, sur lesquels l'hon. membre déverse toute sa bile, sa haine et sa rancune, je dis hautement que, rédigés par des hommes de talents incontestables, ils ont rendu d'immenses services au pays, en démasquant les intentions et leurs suites malheureuses, de la conduite de l'honorable membre. Voilà leur seul péché, et nul doute qu'un peuple généreux ne sache témoigner une reconnaissance solide et sincère des bienfaits que leur a rendu la presse libérale. "Mince éditeur!" certes, les 13 apôtres de l'honorable membre sont de dignes personnages! Ce sont des hommes d'un poids et d'une influence sans bornes! Il est pénible de voir l'honorable membre tenter de pervertir, et isoler de leurs compatriotes tant de jeunes gens qui, par leurs talents, pourraient devenir des hommes utiles au pays;<sup>130</sup> qui, je me flatte, reviendront bientôt à de bons sentiments et feront honneur à leurs compatriotes!<sup>131</sup> Mais à présent, ils sont des instruments de discorde, ils cherchent à semer les dissensions et à causer le désordre dans notre société et par tout le pays.<sup>132</sup>

Il a dit qu'on avait publié des mensonges. S'il y a eu des mensonges, moi, je ne m'en suis pas aperçu. Mais moi, je puis dire, qu'il n'y a pas eu de parjure. Je vais lui faire quelques questions. Il dit qu'il y a eu du mensonge.<sup>133</sup> Je lui demande, s'il n'est pas vrai qu'il a ému tout le pays, et qu'il était le grand et le seul agent de l'agitation en 1837? S'il n'a pas organisé l'opposition armée?<sup>134</sup> fait distribuer des munitions?<sup>135</sup> S'il n'a pas appointé des généraux?<sup>136</sup> Est-il vrai qu'il a été la tête de l'organisation de St.-Denis?<sup>137</sup> S'il ne s'est pas enfui lâchement de St.-Denis, au commencement même de l'action, bien qu'il fût déjà assez éloigné pour être hors danger dans ma propre maison? Je lui demande, en la présence de ce Dieu, devant lequel, lui et moi, selon l'ordre de la nature, devront bientôt parître, s'il est vrai que Louis-Antoine Desaulles, m'a parlé à 9 heures du matin, le 21 novembre 1837<sup>138</sup> le jour de la bataille de St.-Denis?<sup>139</sup>

M. PAPINEAU.--Oui, dans votre maison<sup>140</sup>.

Marques de satisfaction bien prononcée dans les galeries.<sup>141</sup>

DR. NELSON.--Alors ... c'était un horrible parjure, et .. M. Papineau ((est)) un suborneur de parjure.<sup>142</sup>

Les amis de M. Papineau, le COL. PRINCE, SIR A. MACNAB, le COL. GUGY et autres prirent la défense de M. Papineau, et il s'ensuivit beaucoup de bruit<sup>143</sup>.

M. CAUCHON.--M. l'orateur, je demande qu'on vide les galeries.<sup>144</sup>

M. PAPINEAU.--M. l'orateur, je demande qu'on rappelle dans les bornes du respect et de la raison, l'honorable membre qui parle sous l'influence de la colère et de l'oubli du passé.<sup>145</sup>

MR. CHIEF COM. P. W. TACHE. Je demande qu'on arrête la discussion; on ne doit pas entrer dans des personnalités.<sup>146</sup>

DR. NELSON.--Je suis surpris que mon jeune ami veuille m'empêcher de parler, après avoir permis à l'honorable membre de déblatérer contre tout le monde, pendant trois heures. Je crois aussi qu'il serait nécessaire de faire vider les galeries; il y a là ( en fixant les galeries du doigt) des jeunes personnes à la solde de l'honorable membre pour le comté de St.-Maurice.<sup>147</sup>

M. PAPINEAU.--C'est un mensonge.<sup>148</sup>

M. MORIN, L'ORATEUR.--Si on insiste à faire vider galeries, je le ferai.<sup>149</sup>

Tous les membres excepté M. NELSON et CAUCHON, on (sic), non; ce n'est pas nécessaire.<sup>150</sup>

DR. NELSON reprit son discours.<sup>151</sup> Je regretterais d'avoir fait quelques remarques qui auraient blesser (sic) les susceptibilités de qui que ce soit, à l'exception de l'honorable membre pour St.-Maurice. Mais je regrette que quand je ne parle pas avec plus de force qu'il l'a fait pendant trois heures, il ne me soit pas permis de le blâmer. Il nous a parlé de tout ainsi; et de toute sorte de chose. L'Europe n'était pas assez, les vivants n'étaient pas assez pour lui; il fallait réveiller les morts, faire revivre les événements et il ne sera permis à personne de lui répondre; on ne me permettra pas de faire usage d'un langage qu'il a lui-même employé sans nécessité? mes remarques étaient devenues nécessaires par les remarques qu'il avait faites. Il a parlé de sceptiques.<sup>152</sup> L'hon. membre s'est plu à dire qu'il avait beaucoup d'amis parmi les sceptiques: hommes honnêtes, probes et distingués!<sup>153</sup> C'est à Paris qu'il en a un plus grand nombre; il a pris leurs principes.<sup>154</sup> Je ne le lui envie pas ces amis, ni son affection pour eux et pour le scepticisme. Aussi l'hon. membre n'a pas rougi de dire qu'il n'applaudissait pas l'homme religieux et que, de l'autre côté, il ne blâmait pas l'homme sans religion!!! Ces sentiments, cette communauté d'idées avec ses braves confrères sceptiques nous expliqueront bien des choses sur le compte de l'hon. membre. Il possède le talent peu utile de vouloir tout démolir, sans pouvoir rien ériger. Il y a plus de 40 années qu'il est dans la vie publique, et nous avons encore à goûter les premiers fruits de ses talents, en faits pratiques. Peut-être est-ce que disposition de famille, que de toujours avoir à redire à tout, sans posséder la capacité de faire nul bien. Son parent, M. C.B. Viger, s'est occupé pendant 21 années à faire un bill de judicature, et lorsque la parturition qui suivit ce long travail s'opéra, on découvrit que c'était un monstre, et il fut étouffé en venant au jour. Ensuite, il dirigea ses talents à l'accomplissement d'un loi au sujet du notariat, mais elle était



si incohérente, si vilaine, que les notaires, d'un commun accord, la repoussèrent avec dédain.

Et encore, on voit ces hommes assumer une attitude d'importance, ils censurent tout, et veulent s'arroger le droit de tout dicter, et de tout mener.

L'hon. membre a eu la complaisance de dire qu'il trouvait les tories moins méchants qu'il les avait crus; et aussi, qu'il trouvait les libéraux plus méchants qu'il les pensait, et de suite il déverse toute sorte d'injures sur ces derniers, et se range, corps et âme, avec l'opposition, dont il croit que l'accession au pouvoir serait un bonheur pour le pays! avec de semblables sentiments il ose se dire encore Canadien,--encore l'ami de pays,--honte! honte!

L'hon. membre pour St.-Maurice se réjouit des guerres civiles qui font ruisseler le sang en Europe. Selon lui, là les peuples ont du courage et de la détermination, et sont au niveau de leurs devoirs! Même les enfants aux Etats-Unis savent apprécier leurs droits et leur liberté, tandis que chez nous, les hommes sont bas, serviles, et fléchissent devant l'autorité! Je demanderais à l'hon. membre, puisqu'il a aperçu tant de bonheur partout ailleurs, lorsque le Canada était essentiellement un pays d'avilissement et d'esclavage, pourquoi est-il revenu de son Elysée, pour languir ici? Est-il juste chez lui de vouloir, pour son seul plaisir et avancement, semer la discorde dans une population qui désire retirer le plus grand avantage possible de l'état actuel des affaires publiques? Ne pourrait-on pas, à juste titre, appeler cet homme le mauvais génie du Canada.

Je passerai maintenant, M. l'orateur, à une revue très succincte du projet de l'adresse à S.E. le gouverneur, que l'hon. membre pour St.-Maurice trouve si défectueux et même horrible et dangereux; d'abord il a nié que le pays ait joui d'une parfaite tranquillité depuis la dernière session de cette chambre. Peut-être s'est-il imaginé que ses tentatives pour produire de l'agitation avaient porté fruit et que nous étions encore à la veille d'un bouleversement général. Dieu merci, l'hon. membre est aujourd'hui, estimé à sa propre valeur, et il est devenu impuissant. J'affirme que nous avons, en dépit de son machiavélisme, joui d'une profonde paix,--le seul sentier qui puisse conduire au bonheur des peuples.

J'appuie cordialement les sentiments exprimés dans le second paragraphe: oui, les Canadiens sont attachés à un bon ordre de choses, lequel nous avons toutes raisons d'être persuadés, s'il est honnêtement observé, ne peut que produire un contentement général, et par là même assurer le crédit de la province, dont rien n'était plus propre à produire la chute, que les efforts jaloux, faits depuis un an par l'hon. membre pour St.-Maurice. Quelques grands capitalistes en Angleterre, auxquels de nos entreprenans compatriotes s'étaient adressés pour effectuer des emprunts, ont répondu: "Nous avons des fonds à placer, mais on ne peut vous en donner l'avantage, puisque votre grand chef commence de nouveau à agiter le Canada;--nous ne pouvons ainsi risquer notre argent!" Or, si la détresse est si générale parmi nous dans le moment actuel, nous avons à en remercier l'agitation intempestive, insensée et malhonnête, suscitée par l'hon. membre pour St.-Maurice.



Nous devons, de tout coeur, reconnaître la clémence de Sa Majesté anvers (sic) nous frères malheureux encore éloignés de leur pays, et de tout ce qu'ils ont de plus cher. Mais voici encore que l'hon. membre veut retarder le bonheur de ces infortunés hommes, dont le plus grand péché est d'avoir mis trop de confiance dans ce chef fougueux, ingrat et incapable! Partout il voit du mystère et du mal.

Nous devons tous être flattés de ce que l'usage de la langue des premiers habitants du pays dans les procédés législatifs, leur soit rendu. Elle leur appartient sans contredit et le traité est là pour leur en témoigner le droit. Un petit nombre d'étrangers voulaient en ravir la jouissance aux descendants des Français, comme ils auraient aussi désiré étendre la proscription à leurs droits et coutumes.

On devrait ressentir quelque reconnaissance et quelque satisfaction, en apprenant que le pays doit dorénavant avoir sous son contrôle entier le département des postes. Les communications deviendront inoubliablement plus faciles et générales, et nos habitants, en conséquence, prendront plus de goût à correspondre entre eux et à s'abonner aux papiers-nouvelles.

L'augmentation projetée dans la représentation, fait grand honneur à nos ministres. Le pays pourra alors faire connaître sa volonté et ses besoins plus amplement, tout en souhaitant aux ministres les moyens de contrôler la chambre. C'est un acte d'abnégation et de justice de leur part, qui fait infiniment honneur à leurs vues sages et désintéressées.

Tout Canadien, ami des lumières et de leur dissémination dans son pays, voit avec grande satisfaction que l'opposition qu'on portait au fonctionnement du bill des écoles a cessé, et que chacun commence à reconnaître l'avantage et la nécessité absolue de l'éducation. Nous pouvons être persuadés que l'éteignoir en chef, M. A.B. Papineau n'a pas agi et déblatéré contre cette loi sans l'approbation et le support, peut-être la direction de son cousin, l'hon. membre pour St.-Maurice. Réjouissons-nous que malgré les efforts de ces hommes pervers, despotiques et égoïstes, la sainte cause de l'éducation prévaudra. Et en ceci cette famille tyrannique voit le tombeau de son ascendance absolue,--elle voit disparaître l'asservissement dans lequel ils ambitionnaient de tenir leurs compatriotes enchaînés à leur seul et propre avancement.

N'étant pas avocat,--et peut-être est-il heureux que je ne le sois pas,--je dirai au sujet d'un projet de nouvelle loi de judicature que tous les hommes de loi me paraissent désirer des changements. J'ai assez de confiance dans les hommes distingués qui sont au pouvoir, pour être persuadé qu'ils feront justice au besoin de la profession, et qu'ils introduiront un bill aussi parfait que le permettent les circonstances et la situation actuelle du pays.

Quant au chemin de fer entre Halifax et Québec, je serai charmé de le voir mis en oeuvre,--pourvu toutefois, que toutes les dépenses ne soient pas défrayées par nous. Il est vrai que le pays pourra en retirer beaucoup de bien, mais il est également vrai que nous avons d'autres oeuvres plus urgentes à compléter, et peu de moyens pour les accomplir.

Les comptes publics sont en effet d'une importance vitale, et la chambre s'empressera de voter les moyens nécessaires pour défrayer les

dépenses d'une administration sage et économique, et on peut se bien persuader que le ministère actuel mettra la plus stricte surveillance dans les déboursés du gouvernement.

Il est bien vrai que le Canada a ressentir (sic) d'une manière toute particulière, la dépression dans son commerce, mais des faits de pareille nature, arrivent à des époques, plus ou moins éloignées dans tous les pays, surtout en Angleterre, dont le commerce est étendu chez tous les peuples. Mais nous avons raison de nous flatter que cet état de crise et de dépression ne sera pas de longue durée.

On devrait enregistrer notre gratitude envers la mère-patrie, pour l'assurance que nous venons de recevoir de Son Excellence, qu'elle est disposée à nous accorder la NAVIGATION LIBRE; circonstance qui tendrait inévitablement à beaucoup augmenter le revenu par les taux sur les canaux, sans compter maints autres importants avantages qui en résulteraient pour le pays. Il y a, pour ainsi dire, certitude, qu'en bien peu d'années, les argents provenant de cette source suffiront à rencontrer les dépenses de notre gouvernement. Partout, l'hon. membre pour St.-Maurice, a l'étrange hardiesse de nous dire, que "nos canaux alimentés par le majestueux et inépuisable St.Laurent sont à sec durant l'été." Il maintient que le commerce de l'ouest doit de toute nécessité passer par le canal Erié. Il veut envoyer les Etats-Unis à la ruine de son propre pays! Il veut tout envoyer là, laissant de côté les immenses avantages que la nature nous a fournis, en nous rendant maîtres d'un des plus grands fleuves du monde entier. Il ignore, sans doute, que le canal Erié compte 360 milles et que le trajet de Buffalo à Troy, occupe sept à huit jours; tandis qu'il n'y a que 60 milles de canaux depuis le Lac Erié au golfe St.Laurent, et que le trajet se fait dans le court espace de trois jours au plus. Et nos canaux admettent des vaisseaux qui portent six fois la quantité de produit, de ceux qui fréquentent les canaux américains. En vérité, il faut être saisi d'une triste monomanie pour parler ainsi; pour vouloir de la sorte, injurier, et ruiner son propre pays, parce que l'hon. membre pour St.Maurice n'en est pas le grand chef et le dictateur.

Le Canada ne pourra jamais prospérer ni son commerce fleurir, si des personnes comme l'hon. membre se permettaient de répandre de telles absurdités. Calomnier son pays et ses compatriotes, n'est assurément pas le moyen d'affermir leur caractère et leur faire prendre cette belle position parmi les peuples de la terre que la nature semble leur avoir assigné. Celui qui s'opposera à la confection de canaux qui sont non à faire, mais à achever, doit être honni, comme l'ennemi le plus noir du sol de sa naissance. On doit, sans aucun doute, se glorifier de ce que la dette qui pèse maintenant sur le pays n'a pas été contractée par la guerre, mais bien en développant ses ressources et elle permet un retour bien au-delà de l'estimation que l'on pourrait en faire en ce moment.

Nous n'avons guère à appréhender le renouvellement de la peste qui nous a affligés il y a deux ans. Les mesures de prévention qui ont été adoptées en Angleterre, et celles qui l'ont été ici, et le seront encore plus généralement l'été prochain, nous mettront, je crois, à l'épreuve d'une pareille catastrophe. Mais voilà encore que l'hon. membre pour



St.Maurice, comme le mauvais génie du pays, paraît vouloir attirer sur nos pas, non seulement cette visite que l'on craint avec tant de raison, mais aussi introduire le choléra; et, remarquez bien, tous ces désastres passés sont dûs, selon lui, au ministère actuel, et sans doute, tous les fléaux qui devront désoler notre pays, même à des temps éloignés, reconnaîtront pour auteurs, les hommes que nous avons placés au pouvoir! (Rires.)

Le peuple devrait être reconnaissant des efforts qui vont être faits, pour subvenir aux dépenses encourues pour la dissémination générale de l'éducation, ce qui devra incontestablement être une source de bienfaits pour le peuple, nonobstant les sourdes menées, mises en oeuvre pas les éteignoirs, ces ennemis acharnés du pays.

Nous avons dû, avant ce moment, être pénétrés de la conviction que Son Excellence, concourt cordialement, avec tous les vrais amis du pays, à en promouvoir le bonheur et l'avancement. Travaillons tous d'un commun accord, nos efforts ne seront pas sans fruits ni récompense.<sup>155</sup>

MR. H. BOULTON said he could not support the amendment. He thought that it was in the Union of the Province that their strength consisted; and the proper course to be adopted was in their acting as if they were altogether independent. He felt anxious to maintain the institutions of the country, just as if they were theoretically independent of any other power. With this view, he would firmly protest against the course pursued by hon. members of the House that evening. There was something commonly said of Greek and Greek, and they had in the House a war between one of one origin and one of another. The language used was altogether against decorum, and it was far from being right thus to indulge in personalities. More especially was he astonished that gentlemen of French origin should fight against one another. If her Majesty's Government had thrown the mantle of oblivion over the past, it was certainly far wrong for the parties who themselves had been interested in these events to bring them upon the floor of that House. (Hear, hear.) What did it matter to the members of Upper Canada, what was now said upon matters which had become history? The hon. member for St.Maurice had been taunted for receiving £4500; but if it had not been right, or fair, or honourable for him to get it, it would not have been given him. That sum had been given to him by the unanimous vote of that House in 1846. Respecting the Act of Amnesty, the House in 1844 memorialized her Majesty's Government for the pardon of all persons who had been mixed up in the event spoken of, and that they might be thrown into oblivion, but a precious oblivion it seemed to be! (Laughter.) Now that the persons so pardoned had come, it was wrong for them to rake past events up for the mere purpose of showing the feeling entertained by the one to the other. Against this course of conduct, he would enter his firm and solemn protest, and he would call on the Speaker to exert his authority for its suppression. It was not the origin or religion of one member or another they had to discuss, but the good of the country. He did not wish to impute motives in any one, nor did he think it right that motives should be imputed to any hon. member. If the Administration supported was good, the motive for



its support had nothing whatever to do with such questions. He trusted that the remarks he had made would be taken in good part, as he did not wish to say one word which would cause ill-feeling. He might say respecting their maritime laws he believed that he spoke the sentiments of many of this friends when he said that the Navigation Laws might be looked upon as repealed.<sup>156</sup>

COL. GUGY.--(en français) M. l'orateur, dans des questions comme celle-ci, il se dégage parfois des nausées qui font lever le coeur. Aussi il n'a fallu rien moins pour vaincre la répugnance que j'avais à adresser cette Chambre. Cette répugnance a été vaincue par un incident qui pourra peut-être paraître minime. Je veux faire allusion au discours pour l'honorable membre pour le comté de Richelieu; surtout à cette partie de son discours dans laquelle il lui a plu d'attaquer l'honneur d'un jeune homme de talents et de coeur, (M. Desaulles) dont l'affection touchante pour son oncle dans le malheur, est pour lui et le pays entier un sujet d'éloge. Je n'ai pas eu l'habitude d'appuyer l'honorable membre pour le comté de St.-Maurice; je ne me lève pas pour le faire ce soir, mais je prends la parole pour revendiquer le droit du parlement et protéger de tout mon pouvoir un membre de cette Chambre qui me paraît presque seul contre les attaques les plus inconvenantes. Toute ma vie parlementaire a été passée à opposer les vues de cet honorable membre. J'ai blâmé la politique qu'il a suivie jusqu'ici; et je lui déclare aujourd'hui encore guerre ouverte; guerre ouverte à la vérité, mais guerre généreuse, franche et loyale.

Je n'irai jamais jusqu'à lui faire l'injure de douter un instant qu'un des membres de sa famille puisse se déshonorer jusqu'au point de commettre le parjure. Tout en exprimant mon respect pour l'honorable procureur-général pour le Bas-Canada (M. Lafontaine) qui a prononcé ce soir, un discours qui me paraît bien digne d'être admiré, j'espère qu'il me sera permis aussi d'offrir à l'honorable membre pour le comté de Saint-Maurice l'hommage de ma plus sincère sympathie. Il est bien certain que la position dans laquelle il se trouve est le résultat d'un amour qui me paraît erroné mais honnête, pour son pays. Suivant moi, il se trompe dans les moyens qu'il prend pour parvenir à son but, mais je crois qu'il se trompe honnêtement. Il me semble aussi, que quand même il se tromperait, on ne pourrait pas le prouver par l'accusation que l'on porte contre un membre de sa famille qui n'a rien à faire avec la question.

Je ne puis m'expliquer comment on a pu trouver dans une assertion comme celle qu'on a faite contre un de ses neveux, un moyen de faire voir qu'il se trompe dans ce qu'il pense être de nature à promouvoir le bien de son pays. Pour moi de semblables moyens me paraissent peu honnêtes chez les hommes surtout qui lui doivent leur existence politique. Je ne puis, malgré l'opposition que je voue à l'honorable membre, m'empêcher d'avoir pour lui toute la sympathie que mérite la position où je le vois dans le moment. Je sais que cette position, toute abandonnée qu'elle paraisse, le fera grandir davantage, si c'est possible, dans l'opinion de ses compatriotes. Il est conséquent lui au moins dans son tort. Ce tort, pour en venir à la question et éviter tous les subterfuges auxquels on a

eu recours, contrairement aux usages parlementaires; ce tort, c'est de vouloir donner à la population canadienne une supériorité sur l'autre partie de la population de ce pays. Il veut, comme par le passé, que la population canadienne puisse dominer sur la population d'une autre origine.

Pour moi, je résisterai à cette prétention dans tous les temps à venir, comme j'y ai résisté dans tous les temps passés. Je vois dans cet honorable membre le coryphée du parti qui a toujours voulu cette supériorité, et je ne puis me défendre le respect qu'on doit toujours à celui qui a eu des opinions fortes et conséquentes, et qui les soutient aujourd'hui d'une manière qui lui fera honneur, dans une chambre comme celle-ci, contre l'opinion et malgré ceux qui les professaient autrefois avec lui.

Mais pour en revenir à ce jeune monsieur, qui a été si mal à propos et si inconvenablement attaqué, ce soir, dans cette enceinte, et qui se trouve être l'accident qui m'a porté à surmonter la répugnance que j'avais à parler sur cette question, je dois dire ce que l'honorable membre pour le comté de St.-Maurice aurait pu dire lui-même, mais que je puis dire plus convenablement et mieux que lui, moi qui ne lui dois rien, qui a toujours été son ennemi politique.

Je sens que l'opposition qu'il m'a toujours faite a été honnête et loyale. Je crois donc ce jeune monsieur aussi incapable de se porter à une pareille bassesse que l'honorable membre pour Richelieu lui-même. C'est tout ce que je me proposais de dire; et j'avoue que tantôt en rentrant dans cette Chambre et croyant y entendre discuter les affaires de l'état, je n'ai pas été peu surpris de voir qu'on y passait son temps à redire des injures sur des sujets qui nous sont tout à fait étrangers.

Il conviendrait peut-être maintenant, M. l'orateur, que je touche faiblement la question qui agite cette Chambre en ce moment. Je dirai donc que je donne la préférence à la politique de l'honorable procureur-général pour le Bas-Canada, puisque cette politique me paraît plus propre à fonder les différentes races du pays.

L'honorable membre pour le comté de St.-Maurice paraît avoir oublié que les franco-canadiens ne sont pas seuls dans le pays. Il paraît rêver, il me pardonnera cette expression; il paraît rêver une supériorité pour ses compatriotes, que le cours des événements, la force des choses, empêchera certainement de se réaliser. Ce pays est dans ce moment lié indissolublement au Haut-Canada. S'il ne l'était pas, on ne sait quels malheurs pourraient arriver. Ceux qui ne sont pas mûs par un sentiment d'amour aveugle pour leur patrie, ne sauraient fermer les yeux à ce fait accompli. Dans le Bas-Canada un tiers de la population est anglaise. Comment serait-il possible que ces deux races ne dussent tôt ou tard, venir en contact les uns avec les autres, rentrer en guerre ouverte et entraîner ainsi sur le pays toutes les misères des guerres civiles? Est-ce en Irlande? Est-ce en Chine, est-ce en aucun pays du monde qu'on ait jamais vu qu'il ait été possible pour des populations différentes de marcher ensemble, jouissant en tout de droits égaux?

Je déclare donc avec le sentiment du plus profond respect pour les



canadiens, qu'il est impossible, selon moi s'ils ne se prêtent pas à cette fusion que l'honorable procureur-général me paraît reconnaître comme nécessaire, des races en Canada, nous puissions jamais y vivre heureux. Au contraire, nous finirons par être livrés de nouveau à des guerres d'extermination. Il faut donc éviter ces distinctions exclusives qui engendrent des combats inévitables qui ont eu lieu dans tout les pays où il s'est trouvé rivalité de races, et qu'il est du devoir de toute législature de travailler à éviter. Je répète donc que je vois dans la politique de l'honorable membre qui est procureur général pour le Bas-Canada, que je vois dis-je, dans sa politique, une disposition chez lui d'acquiescer aux vues des membres pour le Haut-Canada sur ce sujet. C'est pour cela que je préfère de beaucoup sa politique à celle de l'honorable membre pour le comté de St.-Maurice. Je suis prêt à appuyer cette politique avec autant de force que je suis prêt à repousser celle qui veut la supériorité des canadiens. Il est certain qu'il faut maintenant faire apprendre la langue anglaise à tous les canadiens, si on ne veut pas les voir rester en arrière des autres races en Canada.

Tout le monde sent maintenant cette nécessité, Cela est si vrai que les habitants les plus distingués de ce pays envoient leurs enfants recevoir leur éducation dans le pays voisin. Nous avons tous intention de nous préparer à un état de transition pour devenir partie de l'Union américaine, ou dememeurer sujets anglais. Nous ne pouvons éviter l'une et l'autre de ces extrémités. Si nous voulons alors ne pas être en proie aux guerres d'origine et de nationalité, il faut se hâter de faire cette fusion de races immédiatement; si on ne plie pas le roseau pendant qu'il est faible, on ne pourra pas plus tard le ployer. Il faut se hâter de faire enseigner l'anglais dans toutes nos maisons d'éducation; cela nous épargnerait la peine de les envoyer aux Etats-Unis. Je ne veux affecter pour la langue française aucun mépris. Je sais apprécier les beautés de cette langue si riche, si expressive et que je regrette de parler si mal. Mais il faut reconnaître que la langue anglaise est la langue par excellence de l'Amérique. Quel serait l'effet de cette idée de ceux qui veulent que le peuple de Bas-Canada demeure un peuple distinct des autres qui habitent le même sol que lui? Il y aurait un temps où ce peuple se trouverait dans une minorité qui le jeterait dans le plus triste isolement. Que pourront alors espérer les canadiens ainsi abimés au milieu des populations étrangères? Nous devons dès ce moment accepter tous les moyens possibles d'opérer une fusion dans secousse. Je ne vois rien de plus erroné que cette politique qui tend toujours à réveiller l'idée de la nationalité canadienne. C'est une politique erronée que tôt ou tard, finirait par conduire au malheur du peuple dont l'honorable membre pour le comté de St.-Maurice a toujours eu et a encore l'intérêt à coeur. J'espère que ces vérités finiront par se faire jour auprès de lui; un amour de la patrie qui a résisté si longtemps que le sien, à tant et de si grands orages, ne peut errer éternellement dans une voie qui finirait suivant moi par causer des désastres plus funestes au pays que ceux qui ont fourni ce soir, des sujets de controverse à cette Chambre. On accuse l'honorable membre



d'avoir poussé le pays à la résistance; tout ce que j'ai à dire à ce sujet, c'est qu'il me semble bien étrange, bien peu honorable de la part de ceux qui l'ont suivi alors, d'être les premiers à le blâmer, à lui en faire des reproches. (Marques d'approbation dans les galeries.)<sup>157</sup>

M. CAUCHON.--M. l'orateur, je demande que les galeries soient vidées.<sup>158</sup>

COL. GUGY.--J'espère que l'honorable membre, par considération pour moi et pour la Chambre n'insistera pas à faire vider les galeries.<sup>159</sup>

M. CAUCHON.--Il paraît donc que l'honorable membre ne parle que pour les galeries?<sup>160</sup>

M. MORIN L'ORATEUR.--Il suffit qu'il y ait un membre qui le désire, pour que je fasse vider les galeries.<sup>161</sup>

M. CAUCHON.--Je n'insiste pas, mais je déclare que si ces manifestations s'y renouvellent, je ferai vider les galeries.<sup>162</sup>

MR. CAYLEY.-- observed that the remark had fallen from the Hon. Attorney General West, and he believed also from the hon. member for St.-Maurice. "Why do not the opposition offer some amendment to the views of the Address?" He (Mr. C.) would state he offered no amendment, because he felt it to be essential to any attempt to amend, that there should be some starting point, where the differences commenced; now he differed, toto caelo from the views of the framers of the Address, and that was the reason why he should offer no amendment to particular clauses. He (Mr. C.) had no hesitation to declare the Address on the Speech delivered from the Throne as most obscured and confused, and contradictory in several parts; in using the ... Speech he begged distinctly to be understood as viewing it as the composition of the Ministers as expressive of their views only, and in that light it was that he proposed to deal with it. The beginning and the end abounded in expressions of gratification, tranquillity, peace, large revenues, light burdens, general satisfaction; the middle clauses told of depression, despondency, commerce destroyed, a failing revenue, arrested emigration, of shifts, and expedients to relieve the disastrous state of the country--(Hear, hear.) It would be in the recollection of the Attorney-General West, and of most Hon. members present that the Governor General, on his return from an extensive tour through the Province, had informed the Legislature that he had everywhere found the country smiling and prosperous, the people happy and contented; it would be remembered also that on occasion the Hon. member for the Fourth Riding of York had thought fit to move in amendment, that the Governor General had not so found the country, or the people. No one could deny that Hon. Attorney General had the gift of second-sight, and that he might most happily have recorded his views in this way.--"Wait till we have been in office some time; wait till we have held the reins of Government some 9 or 10 months, then the tears will fall from your eyes, you will then find commerce, depressed, the revenue fallen off, the tide of immigration driven back from the shores." He (Mr. C.)

heartily wished that the Attorney-General had not been ... so good a prophet then, he hoped he would not prove a great Romancer now, on the many points on which the Address congratulated the country. He (Mr. C,) would say but little on the clause referring to the exercise of the Royal prerogative of ... ; the information sought for on that head by his honorable friend the gallant member for Hamilton had been revised by the Ministers. By what process of reasoning the Ministers came to the conclusion that the objective in seeking the information was to oppose or limit the exercise of the Royal clemency, it was hard to imagine. They should rather have been disposed to conclude, that the gallant knight was desirous to see in what way he could best cooperate with, and carry out, the gracious intention of her Majesty. Either the exercise of the Royal prerogative was to be qualified, or the movement having come from this side of the Atlantic, modesty, at having their good deeds brought to light, prompted the hon. gentleman to support the the information--(A laugh.) Passing to passages on which the hon. gentleman proved the Address, in an able and effective speech, had found cause to congratulate the House and the country. He found that the three following were the most prominent--1st. That the Speech from the Throne was not the usual .... 2nd That the restrictions on the use of the French language were removed. And, thirdly, that an improvement in the postal arrangement and reduction of rate were promised, he was not disposed to quarrel with the hon. gentleman for some gratification he enjoyed on the first point. With reference to the second and third, he would leave it to those who at present occupy the Treasury Benches, to say how far they were entitled to the mood of praise awarded to them by the hon. member for Leinster. The silence of the Ministry on this had reminded him of a remark made by Babington Macaulay, in describing the character of Louis Quatorze for whom he claimed great credit as a statesman because he knew how to make use of other men's brains and take the credit for himself. No doubt his hon. friend the hon. member for the Fourth Riding of York, would be described by Mr. Macaulay as a very great statesman.--(Loud laughter.) Before proceeding to those clauses which touched on the state of the country, he would make a passing allusion to the paragraph referring to the Halifax and Quebec Railway; it was like the mirage of desert to the fainting traveller. While the country could, with difficulty, scrape the means together of living from hand to mouth, we were invited to consider the favourable opportunity for spending millions and millions of pounds in a visionary scheme, while, however, the honey of gratification was on the lips of Ministers, there was precipitation enough... and anxiety on that head. That next paragraph--"That Canada had been seriously affected by the commercial depression by which the past year had been unfortunately characterized;" and the following passage was no doubt, intended to point out his remedy:--"That having presented to Her Majesty's ministers the urgent necessity which exists for the removal of such provisions from the Imperial Statute Book as they tend to restrict the commerce of this Province!" --As they tend to restrict the commerce of this Province! Was it, then, a matter of speculation, or a matter of fact? And if an undoubted fact, what was the relief proposed? -to open the navigation



of the St. Lawrence?--to make Montreal a free port? or to throw open the existing trade of the Upper lakes to American shipping? On this point also, information had been sought from Ministers, and although the reply was not ... it had been given to his (Mr. Cayley's) application for the correspondence between the two Governments, respecting the sale of the Crown Lands, "that the correspondence was not concluded and, therefore, could not be produced;" nor, as in the case of the House prerogative, "that it would be given after the debate on the Address, and the object of which the production of the papers had been asked was disposed of." Next ... of ... which were represented as essential to take the census of the country. He (Mr. Cayley) was sorry to learn that not much actually existed. The next was the providing of additional funds to complete the Saint Lawrence Canals. It appeared to him that the expression might have been more correct if it had been to make good the miscalculations of the Engineer under whose guidance that work had been conducted, and who he understood had lately been sent to the West to supersede Mr. Gzowski. The next paragraph was the reorganization of the Provincial Debt, and the creation of an official Sinking Fund for the ((alteration)) of works of a purely local character. He should like to be informed how the ((alteration)) of works, even though they be of a purely local character, could assist the reorganization of the Provincial Debt, or the creation of a Sinking Fund; and how did ministers propose to define or limit the term "local"; did it imply works in Upper Canada, as distinct from Lower Canada? The hon. member for Saguenay had stated that he would oppose any further outlay in Western Canada until the important works had been completed below Quebec. He suspected that the hon. member for Lincoln, the President of the Council, would consider that there was a good deal that was local about the Welland Canal, the town of St. Catharines, its mills and water privileges. But assuming the term was confined to roads--yielding a revenue, he believed, of £25,000 a year--how was the alteration of these roads to ((reorganize)) the Provincial Debt? They ... the assurance that this debt had not been contracted in the ... of costly wars, whether in defence or aggression. That certainly was satisfactory--highly gratifying that it was purely of ... , no doubt, by the accurate calculations of the Engineer who had been sent to displace Mr. Gzowski. The next passage referred to the removal of such provisions as tended to prevent ((anyone)) from proceeding by way of the St. Lawrence to the Atlantic; the precise alteration was not stated, except as shown in the observations which fell from the hon. Receiver General, to the effect that the increase of the emigration tax on emigrants arriving at Quebec after the 1st of Oct. in each year had had the effect of deterring emigrants from coming out after that period; if this was the case, the object of the framers of the Bill had been attained, as after that period of the year there was greater difficulty in procuring employment, and emigrants were left in a defenseless condition to brave the dangers of a Canadian winter. The next clause was the one on which he had asked for information from the Government, namely, whether any communication had taken place with the Imperial Government in reference to the alienation of the Crown Lands. In this matter he must defer to the gentlemen of the long robe, but it appeared



to him, unless the Home Government had sanctified the measure, and abandoned the residuary interest of the Crown, in what were usually called the Crown Lands, he could not see such a step could be taken consistently with the provisions of the Union Act; in that Act the Crown had surrendered the Royal Revenues in certain conditions, and for a limited period, at the termination of which the right of the Crown, as he understood the Act, revived. And even if the power of taking such a step lay with them, he would not approve of the proposed application of the property. Was it intended to invest the proceeds of Lands in Railway Stocks and then to make the education of the youths of the Province, and the support of the Schools dependent on the returns of these enterprises?<sup>163</sup>

--No! from the Ministerial Benches. <sup>164</sup>

Then he MR. CAYLEY did not see the meaning of the passage "that the revenue derived from the sales of the Public Domain should form a fund, the interest of which should be applied to the support of Common Schools," if it were not to make the Schools dependent on the annual interest arising from such sales; and it certainly appeared to him that if the capital were funded in Railway Stock the Schools would necessarily become dependent on the Railway Returns. The annual appropriation for School money fell little short of £60,000 a year, and he considered it as far more secure in the form of a charge on the Consolidated Fund. The concluding paragraph of the Address informed them that Canada enjoyed great and singular advantages, in the possession of a revenue derived from so many independent sources, and in the exemption of numerous charges that weighed heavily, on the resources of other communities. Now it appeared to him, that, in the Speech, they had heard of many heavy charges that weighed on Canada, but of no independent sources of revenue. Not, however, hastily to draw an erroneous conclusion, he would run over the several clauses of the Speech that bore on the question of outlay of return:--

First, came the reduction of the Postage, a surplus revenue probably from £5,000 to £15,000 a year; but if so uniform and low rate of postage were adapted, he doubted much whether it would bear its expenses, or yield a surplus revenue for many years to come.

Secondly, "An increase in the representation." He doubted much whether this would prove a profitable source of revenue.

Thirdly, "The alteration of the system of Judicature in both sections of the Province," with, as he understood, an addition of three Judges on the Upper Canada Bench. That could hardly prove to be a source of revenue.

Fourthly, "The opportunity of laying out a few ... on the Railway between Halifax and Quebec." He doubted much the revenue from this source.

Fifthly, "The commercial depression of the country." He feared much that this would rather tend to reduce than improve the revenue of Canada.

Sixthly, "Opening the ports to Foreign ships." If by this it was intended to supersede Canadian by American vessels in the ... of Upper Canada, he doubted much whether that would improve the Revenue of the country.

Seventhly, "Further expenditure on the St. Lawrence Canals." He did not see how that would improve the Revenue.

Eightly, "The alienation of works of a local character." He doubted whether that would improve the Revenue.

Ninthly, "The reduction of the Emigrant Tax."

Tenthly, "The ... of Public Domain, and the investment of Railway Stocks of the proceeds." He doubted whether either of these would prove a source of Revenue; and yet, while the Speech from the Throne did not offer the smallest glimpse of improvement, but considerable proofs of embarrassment, they were called upon to rejoice for the possession of a Revenue derived from ... independent sources; and while the ... was ... effected by commercial depression, they were congratulated on their exemption from numerous charges that weighed heavily on the resources of other communities.<sup>165</sup>

MR. PAPINEAU said that as he had been mistaken by hon. members who spoke the English language, in his remarks of last evening, he would beg the indulgence of the House while he offered a few remarks in English, although it was a language which he did not speak with fluency. Hon. members on the Ministerial side of the House seemed to be astonished that he had not reduced his wishes to their desires. He would say a few words in answer to the remarks of the hon. member for Montreal, as he did not think those of the hon. member for Terrebonne required any notice. Last year, what were the expressions of calumny, what charges of mismanagement had the present Ministry not brought against their opponents? And now the Speech from the Throne was only a stereotyped second edition of the last; in fact, if there were any differences between them, he thought the one of this Session was fully worse. (Hear and laughter.) The only difference between the parties might be expressed in the little words: "You are out and we are in." It was but a slavish imitation of British precedent. Much had been said about the dark ages, and that hon. members ought not to allude to the present position of other countries. In his opinion the days of the Special Council of Lord Sydenham were similar to the present state of the Colonial Executive, and if that gentleman were to appear now he could not ask for a Ministry more to his liking than the framers of the present Speech. The Honorable member then expressed his abhorrence of Lord Sydenham's conduct while at the head of the Executive of the Colony, and then referred to the state of England under the Commonwealth and the Stuarts, which he thought was a properous time, notwithstanding the amount of cruelty which had been committed by that house. In reference to these acts, and to the subserviency of Charles II., to the Court of France, he said that this led to the expulsion of the family, and to the succeeding reign of William and Mary, which was the only one in which the three elements had worked well together with a preponderance of the democratic element. Since the accession of the present family, the aristocracy had carried all by themselves, especially under the Whigs, who clung to place and renounced honour. It was under the last of the Stuarts that the British Colonies were commenced, on purely democratic principles of equal rights to all, and with the facility to any to reach the highest offices. Was it not admitted that the property qualification, so opposed to this system, was contrary to the enlightenment of the present age?



The qualification was indeed introduced by the prejudices of Lord Sydenham, who desired to keep out penniless agitators. This was but a prejudice; for, except the hon. Speaker and himself, he believed there was no one in the old Assembly of Lower Canada who did not possess the property now required. They, too, were the only ones, and they were returned when very young, before they obtained the rights to practice at the Bar,—not because they had a property qualification, but because they possessed the better title of the esteem of their fellow-citizens. It was clear that in this country, where education was so much diffused, this qualification was but a restriction of the rights of the electors. There might be some pretensions for requiring qualifications in Europe, where the poor were oppressed till it was dangerous to give them a vote. But in this country, even this was an absurdity; because the number of those who possessed no property was so much less than that of those who had some, as to make universal suffrage perfectly safe. The hon. gentleman then went over similar arguments to those employed last night relative to rotten boroughs, and the quorum of twenty, and declared that the people of this part of the Province were not grateful for the Union Act. It was true, the word "institutions" was now said to mean something else than the Union Act. (Hear, hear.) However, this was absurd, for the Union Act was the most important part of the institutions. The true English Liberals were those who were the disciples of Charles James Fox, whose eloquent voice cheered the noble efforts of those who attempted to break the chains of despotism all the world over. It was his eloquent voice which aided powerfully the colonial dependencies, so long subjected to the unjust treatment of England, to free themselves from her sway, and to obtain that liberty which they had since proved themselves so eminently deserving of, more especially by encouraging the noble efforts of the population of Europe in escaping from the murderous military barbarism to which they had been too long enslaved. The success which had in so large a manner attended the efforts of the European nations after liberty, he ascribed to the spread of education. The hon. gentleman then went over nearly the same arguments as last night on the canals, free trade in England, &c., the speech of this evening being nearly a translation of the former one. In answer to Mr. LaFontaine, he said that the several States of the American Union only returned one senator each; but that was because they were independent States, having their own legislature, but confederated together for purposes of war, trade, &c., and having for each purpose an equal vote, so that the weak shall not be oppressed by the strong. The hon. member also remarked, that he had not said of Mr. Justice Aylwin, that he possessed the confidence of the Crown and of the country. Perhaps the Hon. Attorney General saw that in the newspapers; but if so, it must have occurred from a mistake, arising probable from the quickness with which those reports were got up. The Hon. Attorney General had asked why he had not sooner declared his opinion, and he asked that question as if he believed that he (Mr. Papineau) courted election. He did not court it; but he openly contradicted the hon. gentleman, when contradiction was dangerous, owing to the fact that the hon. gentlemen had been so long uncontradicted,



that he thought this must always go on. When he saw, however, that they hesitated to declare against the Union Act, he began to doubt them, and was confirmed by seeing that they now approved of that law. He therefore separated (sic) himself formally from them. He also thanked the hon. member for Sherbrooke for the manly manner in which he expressed himself; and as that gentlemen gave him credit for sincerity of motives, so he gave that gentleman credit for motives of the same character. They had always been opposed to each other, but always regarded each other as honourable opponents. He denied, however, that it had been his endeavour to give any superiority to any part of the population. On the contrary, Lower Canada had, above all other colonies, been the first to admit foreigners to all privileges, and abolish all religious distinctions. The member for Leinster thought it very argumentative to say that there was no rule of the House of law to prevent him from accepting office. Of course not, or he could not have been appointed; but was that a reason for its propriety? The amnesty again spoken of in the Address, might have been granted by the Crown freely and unconditionally; but he well knew that where there were judgments, they could only be removed by the Legislature. Having found a seconder to his motion, he was satisfied, as his protest would now appear on the Journals of the House.<sup>166</sup>

(20)

*On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Macdonald,*

*Ordered, That the Debate be further adjourned until to-morrow, and be then the first Order of the day.*

Orders

deferred:

*Ordered, That the remaining Orders of the day be postponed until to-morrow.*

*Then, on motion of Sir Allan N. MacNab, seconded by Mr. Thompson,  
The House adjourned.*

APPENDIX: 23 JANUARY 1849.

((NOTICE OF MOTION RE: PROPOSED HOURS FOR ADJOURNMENT.))<sup>167</sup>

SIR A. MACNAB gave notice that he would, on Tuesday next, move that the House should, during this Session, meet at eleven o'clock in the forenoon, and adjourn at six o'clock in the evening.<sup>168</sup>

((NOTICE OF MOTION RE: REPEAL OF NAVIGATION LAWS.))<sup>169</sup>

MR. INSP. GEN. HINCKS gave notice that he would, on Friday next, move the House into a Committee of the Whole, to consider the propriety of addressing the Crown in favour of a repeal of the Navigation Laws.<sup>170</sup>

((NOTICE OF MOTION RE: KINGSTON PENITENTIARY.))<sup>171</sup>

MR. J. A. MACDONALD (Kingston) gave notice of his intention to move for a copy of the commission appointing the Kingston Penitentiary Commissioners, and various other matters connected with that institution.<sup>172</sup>

FOOTNOTES: 23 JANUARY 1849.

1. The debate on this motion was reported by: PILOT, 24 January 1849, and BRITISH WHIG, 29 January 1849, which acknowledged its source as MONTREAL HERALD, in identical accounts; MONTREAL GAZETTE, 24 January 1849, STANSTEAD JOURNAL, 1 February 1849, and BROCKVILLE RECORDER, 1 February 1849, in identical accounts; and L'AVENIR, 31 January 1849.
2. PILOT, 24 January 1849.
3. MONTREAL GAZETTE, 24 January 1849.
4. PILOT, 24 January 1849.
5. MONTREAL GAZETTE, 24 January 1849.
6. PILOT, 24 January 1849.
7. MONTREAL GAZETTE, 24 January 1849.
8. PILOT, 24 January 1849.
9. MONTREAL GAZETTE, 24 January 1849.
10. PILOT, 24 January 1849.
11. IBID.
12. IBID.
13. IBID.
14. MONTREAL GAZETTE, 24 January 1849.
15. PILOT, 24 January 1849.
16. MONTREAL GAZETTE, 24 January 1849.
17. PILOT, 24 January 1849.
18. MONTREAL GAZETTE, 24 January 1849.
19. IBID.
20. PILOT, 24 January 1849.
21. MONTREAL GAZETTE, 24 January 1849.
22. The debate on this matter was reported by: MONTREAL GAZETTE, 24 January 1849, STANSTEAD JOURNAL, 1 February 1849, and BROCKVILLE RECORDER, 1 February 1849, in identical accounts.
23. MONTREAL GAZETTE, 24 January 1849.
24. IBID.
25. IBID.
26. IBID.
27. According to PILOT, 24 January 1849, however, the reading of the entries was postponed. "After some discussion, Mr. McFarland postponed a motion of which he had given notice, for the reading of the Journals relative to Niagara District Town." LE JOURNAL DE QUEBEC, 1 February 1849, commented about this matter: "M. McFarland propose de transporter la ville de Niagara, du site où elle est maintenant, plus à l'intérieur, c'est-à-dire au Port Robinson, qui est situé sur le canal Welland. Il paraît être plus facile de transporter une ville en anglais qu'en français, et plus dans le Haut-Canada que dans le Bas-Canada. Néanmoins M. McFarland a raison au fond, et il n'est pas juste que le chef-lieu d'un district se trouve à l'une des extrémités de ce district au grand détriment et désavantage de tous les intéressés. Je crois aussi que la chambre sera de son avis, malgré les protestations toutes naturelles de M. Dickson, le député de la petite ville de Niagara."
28. The following was reported by: MONTREAL GAZETTE, 24 January 1849, STANSTEAD JOURNAL, 1 February 1849, and BROCKVILLE RECORDER,



- 1 February 1849, in identical accounts.
29. MONTREAL GAZETTE, 24 January 1849.
  30. The debate on this matter was reported by: MONTREAL GAZETTE, 24, 26 January 1849; L'AVENIR, 31 January 1849; BROCKVILLE RECORDER, 25 January 1849, MORNING CHRONICLE, 26 January 1849, BRITISH COLONIST, 26 January 1849, HAMILTON SPECTATOR, 27 January 1849, which acknowledged TORONTO PATRIOT as its source, GLOBE, 27 January 1849, and PROVINCIALIST, 29 January 1849, in identical accounts; MORNING CHRONICLE, 24 January 1849, GLOBE, 24 January 1849, BROCKVILLE RECORDER, 25 January 1849, BRITISH COLONIST, 26 January 1849, HAMILTON SPECTATOR, 27 January 1849, and PROVINCIALIST, 29 January 1849, in identical accounts; PRINCE EDWARD GAZETTE, 2 February 1849, and BROCKVILLE RECORDER, 1 February 1849, in identical accounts, except that the RECORDER's account is longer; PILOT, 24 January 1849, HAMILTON SPECTATOR, 31 January 1849, which acknowledged PILOT, 24 January 1849, as its source, BRITISH COLONIST, 2 February 1849, and BATHURST COURIER, 2 February 1849, in identical accounts, except that the PILOT's account is fuller than all the others; LA MINERVE, 29 January 1849, which reported only Papineau's speech; LE JOURNAL DE QUEBEC, 27, 30 January 1849; LA MINERVE, 25 January 1849, and 1 February 1849; PILOT, 5 February 1849, which translated Nelson's speech from LA MINERVE, 1 February 1849; PILOT, 7 February 1849, which translated LaFontaine's speech from LA MINERVE, 1 February 1849; and LE JOURNAL DE QUEBEC, 8 February 1849, which only reported LaFontaine's speech which was copied from LA MINERVE, 1 February 1849. The STANSTEAD JOURNAL, 1 February 1849, noted the debate.
  31. The PILOT, 24 January 1849, gave an account of this speech, with the qualifying remark that "we believe we have given the hon. gentleman's ideas with tolerable correctness; but owing to his position, with his face turned from us, we heard somewhat indistinctly." As a result it gave a translated version of LA MINERVE's "verbatim report of it" on 7 February 1849. LE JOURNAL DE QUEBEC, 8 February 1849, also copied LA MINERVE's account of 29 January, and 1 February 1849. Whenever a selection is taken from this account it is reproduced from the much more legible JOURNAL DE QUEBEC.
  32. L'AVENIR, 31 January 1849.
  33. LE JOURNAL DE QUEBEC, 8 February 1849.
  34. L'AVENIR, 31 January 1849.
  35. LE JOURNAL DE QUEBEC, 8 February 1849.
  36. L'AVENIR, 31 January 1849.
  37. LE JOURNAL DE QUEBEC, 8 February 1849.
  38. L'AVENIR, 31 January 1849.
  39. LE JOURNAL DE QUEBEC, 8 February 1849.
  40. L'AVENIR, 31 January 1849.
  41. LE JOURNAL DE QUEBEC, 8 February 1849.
  42. L'AVENIR, 31 January 1849.
  43. IBID.
  44. IBID.

45. IBID.
46. IBID.
47. IBID.
48. LE JOURNAL DE QUEBEC, 8 February 1849.
49. L'AVENIR, 31 January 1849.
50. LE JOURNAL DE QUEBEC, 8 February 1849.
51. L'AVENIR, 31 January 1849.
52. LE JOURNAL DE QUEBEC, 8 February 1849.
53. L'AVENIR, 31 January 1849.
54. LE JOURNAL DE QUEBEC, 8 February 1849.
55. L'AVENIR, 31 January 1849.
56. LE JOURNAL DE QUEBEC, 8 February 1849.
57. L'AVENIR, 31 January 1849.
58. IBID.
59. LE JOURNAL DE QUEBEC, 8 February 1849.
60. L'AVENIR, 31 January 1849.
61. LE JOURNAL DE QUEBEC, 8 February 1849.
62. L'AVENIR, 31 January 1849.
63. LE JOURNAL DE QUEBEC, 8 February 1849.
64. L'AVENIR, 31 January 1849.
65. LE JOURNAL DE QUEBEC, 8 February 1849.
66. L'AVENIR, 31 January 1849.
67. LE JOURNAL DE QUEBEC, 8 February 1849.
68. L'AVENIR, 31 January 1849.
69. LE JOURNAL DE QUEBEC, 8 February 1849.
70. L'AVENIR, 31 January 1849.
71. IBID.
72. LE JOURNAL DE QUEBEC, 8 February 1849.
73. L'AVENIR, 31 January 1849.
74. LE JOURNAL DE QUEBEC, 8 February 1849.
75. L'AVENIR, 31 January 1849.
76. LE JOURNAL DE QUEBEC, 8 February 1849.
77. L'AVENIR, 31 January 1849.
78. LE JOURNAL DE QUEBEC, 8 February 1849.
79. L'AVENIR, 31 January 1849.
80. LE JOURNAL DE QUEBEC, 8 February 1849.
81. L'AVENIR, 31 January 1849.
82. LE JOURNAL DE QUEBEC, 8 February 1849.
83. L'AVENIR, 31 January 1849.
84. LE JOURNAL DE QUEBEC, 8 February 1849.
85. L'AVENIR, 31 January 1849.
86. LE JOURNAL DE QUEBEC, 8 February 1849.
87. L'AVENIR, 31 January 1849.
88. IBID.
89. IBID.
90. LE JOURNAL DE QUEBEC, 8 February 1849.
91. L'AVENIR, 31 January 1849.
92. LE JOURNAL DE QUEBEC, 8 February 1849.
93. L'AVENIR, 31 January 1849.
94. LE JOURNAL DE QUEBEC, 8 February 1849.

95. L'AVENIR, 31 January 1849.
96. LE JOURNAL DE QUEBEC, 8 February 1849.
97. L'AVENIR, 31 January 1849.
98. LE JOURNAL DE QUEBEC, 8 February 1849.
99. L'AVENIR, 31 January 1849.
100. LE JOURNAL DE QUEBEC, 8 February 1849.
101. L'AVENIR, 31 January 1849.
102. LE JOURNAL DE QUEBEC, 8 February 1849.
103. L'AVENIR, 31 January 1849.
104. LA MINERVE, 29 January 1849.
105. MONTREAL GAZETTE, 26 January 1849.
106. PILOT, 24 January 1849.
107. MONTREAL GAZETTE, 26 January 1849.
108. PILOT, 24 January 1849.
109. IBID.
110. MONTREAL GAZETTE, 26 January 1849.
111. IBID.
112. IBID.
113. IBID.
114. PILOT, 24 January 1849.
115. MONTREAL GAZETTE, 26 January 1849.
116. IBID.
117. IBID.
118. PILOT, 24 January 1849.
119. MONTREAL GAZETTE, 26 January 1849.
120. PILOT, 24 January 1849.
121. MONTREAL GAZETTE, 26 January 1849. The ellipsis represents an illegible word.
122. MONTREAL GAZETTE, 26 January 1849.
123. IBID.
124. IBID.
125. L'AVENIR, 31 January 1849.
126. IBID.
127. IBID.
128. LA MINERVE, 29 January 1849.
129. L'AVENIR, 31 January 1849.
130. LA MINERVE, 29 January 1849.
131. L'AVENIR, 31 January 1849.
132. LA MINERVE, 29 January 1849.
133. L'AVENIR, 31 January 1849.
134. LA MINERVE, 29 January 1849.
135. L'AVENIR, 31 January 1849.
136. LA MINERVE, 29 January 1849.
137. L'AVENIR, 31 January 1849.
138. LA MINERVE, 29 January 1849.
139. L'AVENIR, 31 January 1849.
140. IBID.
141. IBID.
142. LA MINERVE, 29 January 1849.



143. IBID.
144. L'AVENIR, 31 January 1849.
145. IBID.
146. IBID.
147. IBID.
148. IBID.
149. IBID.
150. IBID.
151. LA MINERVE, 29 January 1849.
152. L'AVENIR, 31 January 1849.
153. LA MINERVE, 29 January 1849.
154. L'AVENIR, 31 January 1849.
155. LA MINERVE, 29 January 1849.
156. PILOT, 24 January 1849.
157. L'AVENIR, 31 January 1849.
158. IBID.
159. IBID.
160. IBID.
161. IBID.
162. IBID.
163. MONTREAL GAZETTE, 26 January 1849. The ellipsis represents illegible words.
164. MONTREAL GAZETTE, 26 January 1849.
165. IBID.
166. PILOT, 24 January 1849. This speech was reported at length only in the English papers as French papers felt they had adequately covered Papineau's remarks in French when he spoke earlier on in the debate.
167. The following was reported by: BROCKVILLE RECORDER, 25 January 1849, BRITISH COLONIST, 26 January 1849, MORNING CHRONICLE, 26 January 1849, HAMILTON SPECTATOR, 27 January 1849, which acknowledged the TORONTO PATRIOT as its source, GLOBE, 27 January 1849, and PROVINCIALIST, 29 January 1849, in identical accounts; PILOT, 24 January 1849, and BRITISH WHIG, 29 January 1849, which acknowledged MONTREAL HERALD as its source, in identical accounts; and L'AVENIR, 31 January 1849.
168. PILOT, 24 January 1849.
169. The following was reported by: BROCKVILLE RECORDER, 25 January 1849, BRITISH COLONIST, 26 January 1849, MORNING CHRONICLE, 26 January 1849, HAMILTON SPECTATOR, 27 January 1849, which acknowledged TORONTO PATRIOT as its source, GLOBE, 27 January 1849, PROVINCIALIST, 29 January 1849, PILOT, 24 January 1849, and BRITISH WHIG, 29 January 1849, which acknowledged MONTREAL HERALD as its source, in identical accounts; and L'AVENIR, 31 January 1849.
170. PILOT, 24 January 1849.
171. The following was reported by: BROCKVILLE RECORDER, 25 January 1849, BRITISH COLONIST, 26 January 1849, MORNING CHRONICLE, 26 January 1849, HAMILTON SPECTATOR, 27 January 1849, which acknowledged TORONTO PATRIOT as its source, GLOBE, 27 January 1849, and PROVINCIALIST, 29 January 1849, in identical accounts; PILOT, 24 January 1849, and BRITISH WHIG, 29 January 1849, which acknowledged MONTREAL HERALD as its source, in identical accounts; and L'AVENIR, 31 January 1849.
172. PILOT, 24 January 1849.

WEDNESDAY, 24 JANUARY 1849.

(20)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Hall,--The Petition of the Municipal Council of the District of Colborne (Land Tax); the Petition of the Municipal Council of the District of Colborne (Act 9 Geo. 4, c. 3); the Petition of C. R. Irish and others, of the Township of Mariposa; and the Petition of the Municipal Council of the District of Colborne (expenses of administration of Justice).

By Mr. Beaubien,--The Petition of Flavien Vallerand and others, heretofore Clerks of the Municipal Councils of Lower Canada.

By Mr. Cauchon,--The Petition of the Reverend L. Provancher and others, of the Township of Tring, in the County of Megantic.

By Mr. Guillet,--The Petition of the Reverend F. X. Côté and others, of the County of Champlain.

By Mr. Méthot,--The Petition of John Gordon and others, Shareholders in the Quebec Warehousing Company.

By Mr. Polette,--The Petition of the Municipal Council of the Town of Three Rivers.

By Mr. Bell,--The Petition of the Municipal Council of the District of Bathurst (Division Courts); the Petition of the Municipal Council of the Bathurst (Road from the St. Lawrence to Perth); the Petition of the Municipal Council of the District of Bathurst (Tay Canal); the Petition of the Municipal Council of the District of Bathurst (Municipal Law); the Petition of the Municipal Council of the District of Bathurst (Assessment Law); the Petition of the Municipal Council of the District of Bathurst (Education); the Petition of the Municipal Council of the District of Bathurst (Market); the Petition of the Municipal Council of the District of Bathurst (Roads); the Petition of the Municipal Council of the District of Bathurst (Road between Perth and Lanark); the Petition of the Municipal Council of the District of Bathurst (Common School Act); and the Petition of the Municipal Council of the District of Bathurst (new District).

By Mr. Laurin,--The Petition of B. Marquette and others, the President, Officers, and Members of the Association of Teachers of the District of Quebec (Act of Incorporation); the Petition of Patrick Noonan and others, of the Parishes of St. Giles and St. Sylvester; and the Petition of Charles Cazeau and others, Cullers of the District of Quebec; the Petition of B. Marquette and others, the President, Officers, and Members of the Association of Teachers of the District of Quebec (Education Law); and the Petition of François Normand and others, of the Banlieue of Three Rivers.

By Mr. Stevenson,--The Petition of Stephen Bowerman, of the Township Hallowell, District of Prince Edward.

By Sir Allan N. MacNab,--The Petition of N. M'Kinnon and others, of the Township of Bayham.

By the Honorable Mr. Sherwood,--The Petition of Skiffington Connor, Esquire, and others, members of the Legal Profession of Upper Canada.



By Mr. Holmes,--The Petition of James M'Gill Des Rivières, Esquire, and others, of the City of Montreal; the Petition of H. W. Whitney and others, of the City of Montreal; The Petition of the Montreal and Lachine Railroad Company; the Petition of J. O. Alfred Turgeon, Esquire, and others, the Mayor and Councillors of the County of Terrebonne; the Petition of John H. Aussem, Esquire, and others, of New Glasgow, County of Terrebonne; and the Petition of Moyse Ollier and others of Ste. Anne des Plaines, County of Terrebonne.

By Mr. Richards,--The Petition of the Municipal Council of the District of Johnstown.

By the Honorable Mr. Hincks,--The Petition of the Municipal Council of the District of Brock (King's College); the Petition of the Municipal Council of the District of Brock (a lot of Land); the Petition of the Municipal Council of the District of Brock (Boundaries and Road Allowance); the Petition of the Municipal Council of the District of Brock (By-Law); the Petition of the Municipal Council of the District of Brock (Township of Bayham); and the Petition of the Municipal Council of the District of Brock (Courts of Assize).

(21)

By Mr. Solicitor General Drummond,--The Petition of Ralph Merry and others, of the Township of Bolton.

By Mr. Dumas,--The Petition of Daniel Desjardins and others, of Ste. Rose and other Parishes, in the County of Terrebonne; and the Petition of Luc Varrier and others, of St. Vincent de Paul and St. Martin, in the County of Terrebonne.

By the Honorable Mr. Papineau,--The Petition of Pierre Boucher and others, of St. Rémi, County of Huntingdon; the Petition of John Clark and others, of the City of Montreal and vicinity; and the Petition of John Clark, of the Parish of Longue Pointe, in the District of Montreal, Esquire.

Petitions  
read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of Abraham Nash and others, of the Township of Cayuga, District of Niagara; praying that a certain part of the said Township may be set off as a separate Township.

Of the President, Directors and Company of the Gore Bank; praying that the value of each Share of their Capital Stock be reduced, and the amount of their Capital increased.

Of John Jones and others, of the Township of Walpole; praying for Legislative action to adjust certain difficulties arising out of the boundary line between the said Township and that of Woodhouse.

Of Adam Cockburn and others, of Finch and the adjoining Townships; praying aid for constructing certain Roads, and erecting a Bridge over South Petite Nation River, near Crysler's Mills.

Of John E. W. Daly, Esquire, and others, of North Easthope and other Townships, in the County and District of Huron, and of others of the Government Lands north of eastern section of the said District; praying for the erection of the said Townships into a separate District.

Of G. O. Stuart, Esquire, and others, of the City of Quebec, and of the Counties of Quebec and Portneuf; praying that certain Roads in the the Parish of Ste. Foye, be put under the control of the Quebec Turnpike



Trustees, and that the said Trustees be empowered to raise funds in the usual way, to complete and keep said Roads in repair,

Of Alexander Douglas and others, of the District of Niagara; praying for the renewal of the Charter of the Niagara and Detroit Rivers Railroad Company, and that a longer time be given for the completion of the said Railroad.

Of Charles Park and others, of the vicinity of the Welland River and the Welland Canal, District of Niagara; praying that measures be adopted to relieve them from the unhealthy consequences resulting from stagnant waters occasioned in that vicinity by the construction of the said Canal.

Of the Corporation of the College of Nicolet; praying aid in support of the said College.

Of Hugh C. Baker, Esquire, President, and others the Vice President and Directors of Canada Life Assurance Company; praying for an Act of Incorporation.

Of Alfred Digby and others, of Brantford and other Townships; praying that certain Townships therein mentioned be set apart as a separate District, with Brantford as the District Town.

Of the Trafalgar, Esquesing, and Erin Road Company; praying that the District Councils of the Districts of Gore and Wellington be authorised to take and hold Stock in the said Company, or to transfer to it a Loan on the security of the said Districts.

Of F. X. Fournier and others, of the Parish of Saint Jean Port Joli; praying for the repeal or amendment of the Education Law of Lower Canada.

Of Mrs. Julie Angélique Badeaux, of the Town of Three Rivers, widow of the late Louis Charles Cressé, Esquire; praying indemnification for damage sustained by her in consequence of the erection of a Public Bridge, and the use of a Road, interfering with her private and personal rights.

Of the Municipal Council of the Home District; praying for the passing of an Act to establish a tribunal for the settlement of disputed boundary lines.

Of Robert Barrie and others, of the western division of Hinchinbrooke and Godmanchester; representing the inadequacy of the Municipal Council Act--the Education Act--the Road Law--and the Judiciary system, to the wants of the country,--and praying that they be repealed or amended; and also, praying aid to construct a Road from Trout River to the Village of Anicet,--and that the Laws intended for country places should be drawn up and worded without ambiguity.

Of Fisher Ames and others, of the County of Beauharnois; praying that that the Law for establishing Elementary Schools in Lower Canada be repealed or amended.

Of M. A. Primeau and A. A. Trottier, of the County of Beauharnois; praying to be authorized to construct a Toll Bridge over the River Chateauguay, in the Parish of Ste. Martine, and to make a Road in connection therewith.

Of Peter Aylen and others, of the County of Ottawa; praying a grant of money to macadamize the Road from Bytown to Aylmer.

Of James Wadsworth and others, of the County of Ottawa; praying that the said County be erected into a separate District for Judicial purposes.

Of the Municipal Council of Rimouski; praying for the establishment of Courts of Justice, and the building of a Gaol at Rivière du Loup.

Of N. M'Farlane and others, of the Fief Marie Anne, District of Three Rivers; praying the Government to compel their Seigneur to grant them a Title to their Lands.

Of Joseph Smolinski, of Montreal; praying the House to patronize his patented Calorifers, by ordering the Parliament Buildings to be heated by means thereof.

Of Alexandre M. Delisle and B. H. LeMoine, of the City of Montreal, Esquires, and of Jean B. Debien, junior, of the Parish of Ste. Rose, in the District of Montreal; praying for an Act to authorize them to construct a Toll Bridge over the River Jésus, and to improve a certain Road on the Isle Jésus, in the said Parish.

Of J. A. C. Marchand and others, of the Counties of Chambly, Rouville, and Huntingdon; praying that measures be adopted to facilitate the commutation of the tenure of Lands held en fief or en censive.

Of the Right Reverend the Lord Bishop of Toronto, and others, subscribers to the Toronto General Dispensary Fund; praying an annual grant in aid of the said Fund.

Of the Sisters of the Holy Cross, of the Parish of St. Laurent, County of Montreal; praying an Act of Incorporation, for purposes of Education and Charity.

Cornwall  
Election.

Mr. Richards, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, reported, That pursuant to adjournment, the Committee met this day, but in consequence of the continued absence of Mr. Chauveau, a member of the Committee, they were unable to proceed to business.

Ordered, That Mr. Chauveau do attend in his place, in this House, to-morrow.

Standing  
Committees.

The Honorable Mr. Attorney General Baldwin, from the Select Committee appointed to prepare and report Lists of Members to compose the eight Standing Committees

(22)

ordered by this House, reported, That they had prepared Lists of Members accordingly; and the same were read, as follow:--

1st.--ON PRIVILEGES AND ELECTIONS.

The Honorable Mr. Attorney General Baldwin,

The Honorable Mr. Cayley,

Mr. Chabot,

Mr. Dickson,

Mr. Solicitor General Drummond,

Mr. Fourquin,

Mr. Notman,

The Honorable Mr. Papineau, and

Mr. Richards--(9)

2nd.--ON EXPIRING LAWS.

Mr. Beaubien,

Mr. Solicitor General Blake,

Mr. Dumas,

Mr. Polette,  
 Mr. Seymour,  
 Mr. Smith of Durham,  
 Mr. Smith of Frontenac,  
 Mr. Watts, and  
 Mr. Wilson.--(9.)

3rd.--ON RAILROAD AND TELEGRAPH LINE BILLS.

Mr. Bouthillier,  
 Mr. Brooks,  
 Mr. Cauchon,  
 Mr. Hall,  
 Sir Allan N. MacNab,  
 Mr. M'Farland,  
 Mr. Méthot,  
 Mr. Mongenais,  
 Mr. Prince,  
 the Honorable Mr. Sherwood of Toronto, and  
 Mr. Wetenhall.--(11.)

4th.--ON ROAD AND BRIDGE BILLS.

Mr. Armstrong,  
 Mr. Cameron of Cornwall,  
 Mr. Davignon,  
 Mr. Fortier,  
 Mr. Guillet,  
 Mr. Johnson,  
 the Honorable Mr. Macdonald,  
 Mr. Marquis, and  
 Mr. Meyers.--(9.)

5th.--ON MISCELLANEOUS PRIVATE BILLS.

Mr. Cartier,  
 Mr. Chauveau,  
 the Honorable Mr. Daly,  
 Mr. Egan,  
 Mr. Flint,  
 the Honorable Mr. Laterrière,  
 Mr. Morrison,  
 Mr. Prince,  
 Mr. Sherwood of Brockville.--(9.)

6th.--ON STANDING ORDERS.

The Honorable Mr. Badgley,  
 the Honorable Mr. Boulton,  
 Mr. Burritt,  
 Mr. Duchesnay,  
 Mr. Fournier,  
 Mr. Gugy,  
 Mr. Lemieux,  
 Mr. Robinson, and  
 Mr. Scott of Bytown.--(9.)

7th.--ON PRINTING.

The Honorable Mr. Hincks,  
 Mr. Holmes,  
 Mr. Jobin,



Mr. Laurin,  
 Mr. Macdonald of Glengarry,  
 Mr. M'Connell,  
 Mr. M'Lean,  
 Mr. Stevenson, and  
 Mr. Taché.--(9.)

8th.--ON CONTINGENCIES.

Mr. Bell,  
 Mr. Christie,  
 Mr. Crysler,  
 Mr. DeWitt,  
 Mr. Lyon,  
 Mr. Malloch,  
 Mr. Sauvageau,  
 Mr. Scott of Two Mountains, and  
 Mr. Thompson.--(9.)

Ordered, That the said Report be taken into consideration, to-morrow.

MR. RICHARDS<sup>1</sup> moved to resolve that the petition against the return of the sitting member for the County of Glengarry is not now pending, the petitioners not having entered into the recognizances required by law.<sup>2</sup>

SIR A. MACNAB thought the motion irregular, notice should have been given.<sup>3</sup>

(22)

On motion of Mr. Richards, seconded by Mr. Holmes,

Glengarry Resolved, That the Petition against the Return of  
Election. the sitting Member for the County of Glengarry  
 is not now pending, the Petitioners having  
 failed to enter into the Recognizance required by Law.

Pilots Appren- Ordered, That the Honorable Mr. Laterrière have  
tices Bill. leave to bring in a Bill to compel Pilots'  
 Apprentices to qualify themselves to pilot  
 vessels by the north channel of the River St. Lawrence, below the Island  
 of Orleans, and to oblige the Trinity House of Quebec, to lay down buoys  
 to mark the shoals in the said channel, and to facilitate the traverse  
 from the south to the north, from Isle aux Reaux to Cap Tourment.

He accordingly presented the said Bill to the House, and the same was received and read for the first time: and ordered to be read a second time, on Tuesday next.

On motion of Mr. M'Lean, seconded by Mr. Smith, of Frontenac,

Rebellion Resolved, That an humble Address be presented to  
Claims (U.C.) His Excellency the Governor General, praying  
 that he will cause the proper Officer to lay  
 before this House, a Return of the sums collected under the provisions  
 of the Act, intituled, "An Act to provide for the payment of claims arising  
 out of the Rebellion and Invasion in Upper Canada, and to appropriate the  
 Duties on Tavern Licences to local purposes."

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Speech further considered.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Monday last, proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne at the opening of the present Session of the Provincial Parliament:

To assure His Excellency that this House cordially concurs in the satisfaction expressed by His Excellency, that uninterrupted tranquillity has prevailed in the Province during the Recess:

That the proofs which the people of Canada have furnished during this period of general excitement and disquietude, of their love of order, and of the attachment they bear to their institutions will, they feel assured, tend to establish the credit of the Province on a firmer basis, and to promote its prosperity:

That they learn with the greatest satisfaction that it is the purpose of their beloved Sovereign to exercise the prerogative of Mercy in favor of all persons who are still liable to penal consequences for political offences arising out of the unfortunate occurrences of 1837 and 1838, and to assure His Excellency that they will with humble gratitude concur in passing any Act that may be proposed to give full effect to this Her Majesty's most gracious intention:

That it affords this House much pleasure to learn, that in compliance with the desire of the Legislature of this Province, expressed in a joint Address of the two Houses of the Provincial Parliament, the Imperial Parliament has passed an Act repealing the Clause in the Union Act which imposed restrictions on the use of the French Language:

That this House learns with pleasure, that His Excellency has during the Recess been in communication with Her Majesty's Principal Secretary of State for the Colonies, and with the Lieutenant Governors of Nova Scotia and New Brunswick, on the subject of the Provincial Post Office, and that on the meeting of the Imperial Parliament steps will be taken for conferring on the Provincial Authorities the entire control and management of this Department; and they trust that when the arrangements for effecting this object shall have been completed, it may be found practicable to establish a low and uniform Rate of Postage for the British North American Provinces:

That they concur with His Excellency in the belief that an increase in the Representation would be attended with considerable advantage to the public interest, and to assure His Excellency, that the subject, which is one of no ordinary importance, will not fail to receive their best consideration:

That they cordially concur in the gratification expressed by His Excellency, at the opposition manifested at one time in certain parts of Lower Canada, to the School Act, having in a great measure subsided; and that they will readily consent to make such alterations in it, as shall render it as little as possible onerous to the Rate-payer, without, however, compromising the important principle which it has consecrated, in securing for all the youth of this section of the Province, the blessing of Education:

That the system of Judicature in both sections of the Province--the Laws for the regulation of Municipalities, and the Constitution of the University of King's College, shall receive their best attention:



That they learn with great satisfaction that the Officers employed in exploring the Country between Quebec and Halifax, with the view of

(23)

discovering the best line for a Railway to connect these two points, have presented a Report containing much valuable information, and setting forth in a strong light the advantages of the proposed undertaking; and that a Despatch from the Secretary of State for the Colonies has been received by His Excellency, expressive of the interest taken by Her Majesty's Government in the execution of this great work:

That they will give their best consideration to the Accounts for the past, and the Estimates for the present year, when they shall be submitted by His Excellency; and they beg to assure His Excellency, that he may rely on their readiness to grant the Supplies which are necessary for the Public Service:

That this House participates in the concern expressed by His Excellency, that Canada has been seriously affected by the Commercial depression by which the past year has been unfortunately characterised:

That they feel grateful to His Excellency for having impressed on Her Majesty's Ministers the urgent necessity which exists for the removal of such provisions from the Imperial Statute Book as may tend to restrict the Commerce of this Province, by checking the resort of foreign Shipping to its Ports in search of freight; and that they receive with the highest satisfaction the information that His Excellency's representations on this head have been cordially responded to by the Queen's Government:

That among the measures to which His Excellency has been pleased to refer, as meriting the attention of the Provincial Parliament at the present time, as being calculated to raise the credit of the Province, to extend its trade, and to contribute to the developement of its resources, this House is gratified at finding that His Excellency has particularly directed their attention to the following as specially important:

The provision of such funds as may be required for the completion of St. Lawrence Canals, at the earliest period. With respect to which great works, they are happy to learn that it is believed, that they may be so far perfected at a small additional expense as to permit Vessels drawing nine feet on the outward, and eight feet on the inward voyage, to pass from Lake Erie to the Ocean, soon after the opening of the navigation; and that when this object shall be accomplished, Canada will possess an Inland Navigation unparalleled in capacity and length, and connecting the marts of a Commerce to the growth of which it is impossible to assign limits:

The enactment of a Law authorizing the alienation of works of a purely local character which have been executed at the cost of the Province, and giving the Government such powers as may be necessary for the re-organization of the Provincial Debt, and creation of an efficient Sinking Fund. That it is gratifying to feel that this debt has not been contracted in the prosecution of costly wars, whether of defence or aggression, but in the construction of works of utility, the more important of which can hardly fail, when completed, to prove remunerative; and further, that the existence of a large revenue, derived from Customs, places the creditor



of the Canadian Public in a very advantageous position, which will be improved when the principle of a Sinking Fund is brought into active operation:

The amendment of the existing Immigration Act, with a view to the removal of such provisions as tend to prevent Immigrants who propose to settle in Canada, or the Western States of the Union, from proceeding to their destination by the route of the St. Lawrence. With respect to which important subject this House fully concurs with His Excellency, that the Passenger Trade in an important branch of the trade inwards, which cannot be discouraged without prejudice to the trade outwards, and thanks His Excellency for the assurance that he will not fail to make every exertion which the interests of the public health will permit, to reduce the expenditure of the Immigration Department to the scale of the years preceding 1847, when a passenger-tax, considerably less onerous than that now levied, with the occasional addition of a small grant from the Public Treasury, sufficed to cover it:

That this House receives with peculiar gratification the recommendation of His Excellency to consider the expediency of setting apart a portion of the Public Domain, in order that the revenue derived from the sales thereof, may form a Fund, the interest of which shall be applied to the support of Common Schools; and to assure His Excellency that the subject will receive their best attention, as well as the important suggestion of His Excellency to invest the Capital arising from this source, either in the Stocks of the Province or in those of some of the principal Railways, the construction of which has been sanctioned by Parliament:

That this House feels grateful to His Excellency for the assurance that in maturing these and all kindred measures which have the promotion of the moral and economical well-being of the people of this important Province for their object, they will ever find His Excellency willing and desirous to co-operate with them:

That they fully concur with His Excellency that in the possession of a Revenue derived from so many independent sources, and exempt from numerous charges that weigh heavily on the resources of other Communities, Canada enjoys great and singular advantages; and they cordially unite with His Excellency in the hope that, under God's blessing, Legislation may be so directed as to enable her to reap the full benefit of them.

And which Amendment was, that the words, "That the proofs which the people of Canada have furnished during this period of general excitement and disquietude, of their love of order, and of the attachment they bear to their institutions will, they feel assured, tend to establish the credit of the Province on a firmer basis, and to promote its prosperity," be left out, and the following inserted: "That this tranquillity of the people of the Canadas, amidst the deep and general agitation which has urged the most enlightened Nations of Europe to the noblest exertions, often crowded with success, to alter and reform their vicious Governments, unwisely clinging to usurpations made by fraud or conquered by violence during the dark ages, but now intolerable, and that soon must become untenable in presence of free discussion, and yield to the reason and knowledge of the nineteenth century, proves that Canadians of all classes and of all origins have shown themselves friendly to order to a degree proving them entitled of right to be endowed with political institutions

much more free and liberal than the defective Constitution imposed on them against their known and declared wishes, through their remonstrances and reiterated Petitions against the re-union of the two Canadas, wisely separated to their mutual advantage in 1791: That until the philanthropic and most judicious plan advocated by that pre-eminent and far-seeing Statesman, Charles James Fox, be realized, by the reform of our Constitution through the extension of the elective principle to many other offices and departments than those wherein it now applies, and to such a degree, that Canadians, as he said, should see nothing to envy in the institutions of their neighbours, we have no better chance in time to come, than we had during a long and painful past, to obtain the good government of the Province, and through good government its general prosperity, and the

(24)

general contentment of its inhabitants."

And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.

And the Question being put; the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Christie, Laterrière, Papineau, and Prince.--(4.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Brooks, Burritt, Cameron of KENT, Cartier, Cauchon, Crysler, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Flint, Fortier, Fournier, Fourquin, Gugy, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laurin, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Marais, M'Connell, M'Farland, M'Lean, Merritt, Méthot, Mongenais, Morrison, Notman, Polette, Price, Richards, Robinson, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, Viger, Watts, and Wetenhall.--(63.)

So it passed in all Negative.

The Honorable Mr. Papineau again moved in amendment to the Question,<sup>4</sup> seconded by Mr. Christie, That the words, "That they concur with His Excellency in the belief that an increase in the Representation would be attended with considerable advantage to the public interest, and to assure His Excellency, that the subject, which is one of no ordinary importance, will not fail to receive their best consideration," be left out, and the following inserted: "That they concur with His Excellency in the belief that an increase in the Representation would be attended with considerable advantage of the public interest, provided that such increase be conformable to the rules of equity, and of that equal justice strictly due to the inhabitants it apportions, from time to time, the Representatives as near as may be according to population; that it be not that odious plan, to which Lord Durham was justly averse, of giving an equal number of Members to the two Provinces, in violation of the principles of representation,--an injustice which would strongly set against the scheme public opinion both in England and in America; and which was judiciously stated and forcibly



*expressed in the Report of the Quebec Committee of Reform and Progress, would be to consecrate the oppression of Lower Canada as a locality--the oppression of the French Canadians as a race."*<sup>5</sup>

MR. CHRISTIE, in seconding this amendment, wished to prevent the idea from going forth that he approved of all that had fallen from the honble. member for St. Maurice on the preceding evening, especially in that part of the speech in which he spoke of the British Government and the Union Act. He (Mr. C.) was decidedly of opinion, and he had given some attention to the subject, that the course pursued by British Government towards the Colony, ever since the year 1759, even to the present period, had been that of indulgence and liberality. (Hear, hear.)<sup>6</sup> The Act of 1744 for instance. The Constitutional Act of Lower Canada, and many other enactments too numerous for present detail. The Canada Tenures Act, which, with all its unpopularity, was of a good nature. Then, again, Lord Durham had been despatched to us to inquire into our abuses, and discover the remedy. All showed an entire spirit of liberality. With regard to the observations lately dropped by the hon. member for St. Maurice, however, he might otherwise blame his course; with regard to the Union Act he credited him with sincerity.<sup>7</sup> (Hear, hear.) The Union Act, far from being intended to crush the people of Lower Canada, was designed to render them service. But what was the state of the country at that time? The Legislature had suspended itself, large masses of the people were congregated together in various parts of the country appointing Magistrates to govern themselves in fact, long before the Imperial Government took steps to restore order, the Constitution was virtually in arms, which rendered the interference of the mother country absolutely necessary; and the Union Act, far from being of such a nature as would lead it to be regarded as an act of severity towards the inhabitants of Lower Canada, was an act of benevolence. (Hear, hear.) He (Mr. C.) had never considered it otherwise. The hon. member for St. Maurice was a man eminent in the country--his consistency, his integrity and his talents, rendered him an ornament to his country; and, of the members of the House who belonged to the old school of Lower Canada politicians, he alone was consistent. (Ironical cheers.) He would not insult the hon. gentleman by comparing his influence in Lower Canada to the influence of all the others put together. (Laughter.) He (Mr. C.) would risk his existence that Mr. Papineau would be sure of election in any county in Lower Canada<sup>8</sup> and he would tell the hon. Members opposite that the hon. member's influence was greater in the eastern parishes and more calculated to decide the fate of any election, than that of any hon. member on the Treasury Benches.<sup>9</sup> (Lord ironical cries of hear, hear.) In his humble opinion, the hon. member for St. Maurice was first in talent and integrity ... ((In his independence and above all, his)) influence on all the Lower Canada politicians. (Ironical cheering.) Mr. Christie then proceeded to read the clauses of the address seriatim, commenting briefly upon each; but owing to the low voice in which he spoke, he was nearly inaudible in the reporter's gallery. He regarded the speech from the throne as one of the most inane and empty productions ever addressed to Parliament. (Hear, hear.) On the first five clauses he need say nothing, but would pass to the consideration of the sixth, to which the amendment



was moved. This clause stated "that this House does entirely concur with His Excellency in the belief that an increase in the representation would be attended with considerable advantage to the public interest, and assures His Excellency that the subject is one of very great importance, and will not fail to receive their best consideration." In his opinion, such an increase would be most injurious to the interest of the Province. It would lead to the repetition of the extravagant work that took place in the Lower Canada Legislature immediately after the increase of the representation--it would introduce into the House the materials of discord and party strife, without bringing any additional wisdom or moderation, and increase, to an enormous extent, the already exorbitant (sic) expenses of Parliament; and, after all, was there a single petition before the House asking for such a measure?<sup>10</sup> Was there any fear of an equality of numbers in their divisions? The House as now constituted answered that question.<sup>11</sup> It had been said by the newspapers in the interest of the ministry, that an increase in the number of representatives would diminish the chance of corruption, he denied that there was any danger of corruption; but if there was 150 members they could quite as easily be bribed as 84, only it would cost the Government more money.--(Hear, hear.) He could only hope that if the ministry attempted to carry out such a wild and insane scheme, they would meet with a signal defeat<sup>12</sup> when thus acting for the sake of a little popularity.--<sup>13</sup> He then passed to the paragraph relating to the school act, and contended that the ministry had been misinformed as to the feeling of the country regarding that measure--in the District of Quebec, at least, it continued to give the utmost dissatisfaction.<sup>14</sup> He did not wish to see it forced upon the people, though he should be glad to see Lower Canadians always keeping pace with those of the sister Province, as to the Judicature Act<sup>15</sup> which he characterized as a scheme for placing extended patronage in the form of Judgeships. Sc., in the hands of ministers at a great expense to the country, when they did not know how to distribute their present patronage in a proper manner.<sup>16</sup> He understood it was proposed to appoint 4 additional Judges besides a Court of Appeals, to consist of 8 Judges, with 2 or 3 Judges of inferior Courts; this was certainly pretty economy. (Hear, hear.) There were two recent cases to which he must allude, to those of Justices Aylwin and Bedard. While on this he would take up one point, he meant the assertion that was notoriously public, that the latter gentleman<sup>17</sup> vacating his seat on the Quebec Bench, to make room for Mr. Aylwin,<sup>18</sup> had made a private arrangement to receive £200 a year as a bonus.<sup>19</sup> If this report was true, it was a monstrous and scandalous transaction, and he would take care that before the end of the Session, steps would be taken to have<sup>20</sup> this case ... subjected to a rigid scrutiny during this session. He then touched upon the Municipalities Bill as an entire failure, King's College, the Estimates, and the Halifax Railway, with respect to which latter he would ask the nature of the information received, as to so gigantic a scheme, and the advantages to be derived therefrom. He now came to the Feudal Tenure, the original principles of the establishment of which was now virtually abandoned. The price was fixed at from 3s 9d to 7s 6d per acre for land "en bois", had fetched upwards of £20 in this District. A perfect anomaly existed under this system. Occupants of lands under this tenure were not allowed to erect mills upon the streams; it was true, they might use the water for culinary or such harmless purposes, but not for

permanent improvements. It was extraordinary that His Excellency's advisers had not noticed this state of things, and he could not account for it otherwise than by referring it to their ignorance of the wants of the Lower Province, which however, did not make them forget, their fat salaries of £1000 a year. This Speech alluded to the alienation of "public works" to local purposes. He would ask indeed, were they not at that moment, indebted to the tune of £4,000,000. They dwelt upon the re-organization of the public debt. They spoke largely about a sinking fund in the course of formation, and surely a precious piece of business they had made of it. (Hear, hear.) In all sober seriousness, this must be an attempt to throw dust in the public eye. In the present state of the exchequer, at a time when the expenditure exceeded the amount allowed by the act of the last Session, by above £100,000, when in fact there was a Provincial Insolvency, which they had patched up by £125,000 worth of what the honorable member for Sherbrooke justly styled, on a former evening, "skin plasters." The speech had spoken of a large revenue from the Customs Duties, and this too, in the face of a revenue actually inadequate to meet the expenditure. With regard to the Board of Works, a department wrapt in inextricable difficulties. The less said about economy the better. He could not admire them in this respect, and he was afraid the difficulties would, if possible, be doubled. Economy indeed! He related to the house the case of two lone settlers in a desert of 100 miles, between Rimouski and Bonaventure, who had settled themselves on the mail road, and rendered great assistance to travellers and otherwise, for which they were allowed by Government £25 a year each; and will it be believed, that in one instance, the man named Logan had received notice of the discontinuance of the grant--though living 40 miles from any human habitation. This he denounced as miserable meanness, disgraceful to the government of any civilized country.<sup>21</sup>

COL. PRINCE could not support this amendment, because he was decidedly opposed to any increase in the representation<sup>22</sup> till the feeling of the people was ascertained upon the subject.<sup>23</sup>

MR. H. BOULTON would have preferred to have waited to express his opinion on this question, until such time as the Government measure could be developed, but as this amendment had been moved, he could not give a silent vote upon it. He felt constrained to vote for the amendment, because the principle it involved was a sound one, and such an one as no free people would gainsay. Any inequality in the representatives of the people was necessarily an abuse tolerated in the Mother Country, on account of ancient usage, but it was unknown on this side of the Atlantic, unless indeed it were to be permitted in Canada.<sup>24</sup> He should be sorry to see a new country treated in the same way.<sup>25</sup> The principle sustained in the amendment, was the law of Upper Canada, up to the time of the union; a law under which the representation of Upper Canada rose from about forty members, gradually imperceptibly, through the regular operation of the law, until at the period of the union it was about sixty-one.<sup>26</sup>

Hear (sic) the observations of the hon. member MR. H. BOULTON did not reach us distinctly, from his interchange of remarks with Messrs. PRICE & NOTMAN.<sup>27</sup>



DR. LATERRIERE.—J'avoue que je suis embarrassé pour me prononcer sur le mérite de cette seconde proposition qui est une conséquence de la première pour laquelle j'ai voté: car qui veut la fin veut les moyens. Or le moyen de réclamer contre le rappel de l'Union serait d'avoir une majorité dans la représentation pour demander effectivement ce rappel. D'un autre côté si l'on persiste à nous tenir unis, ne serait-il pas juste, ne serait-il pas conséquent que la représentation serait également bien balancée.

L'Angleterre par un arrangement impolitique nous a placé dans une lutte incessante entre nous--aujourd'hui c'est un ministère libéral, demain un ministère tory.--Ces changements découlent d'une cause presque toujours insaisissable, par les hommes les plus clairvoyants de tous les partis--cette lutte devra finir à la fin en faveur des plus forts, ce qui ne veut pas dire en faveur de la minorité qui, malgré ses justes réclamations, sera à la fin obligée de se soumettre et perdra le droit de conduire ses propres affaires que sous tout autre régime elle aurait pu faire valoir autrement.

Voilà mes craintes et c'est pour cela que je persiste dans l'opinion, quoique l'on en dise, que l'Union sous les couleurs les plus favorables que l'on puisse nous la représenter aujourd'hui, est l'arrêt qui tôt ou tard produira la mort de ceux contre lesquels elle a été tramée. Je souhaite du plus profond de mon coeur, me tromper sur la prévision d'un semblable résultat, mais c'est ma conviction et c'est ce que je ne peux point taire. D'un autre côté nous avons mis à la tête de nos affaires des hommes en qui nous avons une parfaite confiance. Serait-ce juste, serait-ce équitable envers eux, envers nous-mêmes avant que ces hommes aient eu l'avantage de nous faire combattre officiellement les mesures qu'ils ont préparées pour cette session, d'anticiper, de prononcer une opinion sur le mérite des différentes mesures, de les préjuger avant qu'elles nous soient soumises officiellement. Ce n'est pas ce qu'en ont dit les gazettes de différentes nuances, mais bien ce que l'on en dira ici, qui devra nous éclairer sur ce que l'on aura à décider. Comme la proposition déclaratoire en question en amendement à ce paragraphe de l'adresse me paraît avoir pour but de nous appeler à juger par anticipation ce que l'on devra nous proposer plus tard à ce sujet, je voterai contre cette proposition pour le présent, me réservant le droit de voter en faveur d'un tel principe, si les raisons que l'on donnera à son appui me paraissent bassées sur un fond, politiquement et moralement juste.<sup>28</sup>

MR. BADGLEY regretted exceedingly the discursory manner of the speech-- he would content himself with touching on one or two points. 1st, The representation<sup>29</sup> of both sections of the Province.<sup>30</sup> This he considered the most important of all the subjects treated to; for on the right construction of the Legislature depended the<sup>31</sup> character of the Legislation, and consequent condition of the<sup>32</sup> dearest interests of a free country.<sup>33</sup> Assuming the principle of equality between the two sections of the Province to be a good one, he would ask, what was the object of making any change in the present number of representatives? There was nothing before the house, which looked like a call from the country, for such a change, and he could not help believing that organic changes like this should not be undertaken unless a good reason were shown for them.<sup>34</sup> They did not know the intent of the provisions of the Bill. All was generalities. His only means was to seek information from the semi-official announcements of the public journals, from which he learned that<sup>35</sup> the bill was intended to be drawn



as to give seventy-five members of Lower Canada, of whom twelve and a half would be from English, and sixty-two and half from French constituencies. What was this but the carrying out of the old system of<sup>36</sup> 1829, a system of proscription by which the interests of those of British origin were disregarded<sup>37</sup> ((and)) eight members were seen struggling against eighty?--<sup>38</sup> Along the borders of the St. Lawrence, were settled the French Canadians, and the counties ran back, so that the French Canadians in front might be able to swamp the English settlers in the rear!<sup>39</sup> Where were the numerous English populations which surrounded the French Canadians (sic) Seigniories?-- He found only two additions to the representation of that class, the constituencies of Huntington and Argentueil, which were to be added to the present number.<sup>40</sup> To the new system, therefore, perpetuating that injustice, he would give his decided opposition. The law respecting these matters had, up to 1837, been most arbitrary and unjust. If mere population were to be the basis of representation, to which he was not prepared to object, the most numerous section must necessarily rule the other--unless the basis was formed upon the plan of some fixed rule of proportion, if it were thought worth while to establish it.<sup>41</sup> It would be impossible to escape from the conclusion that Upper Canada must return more members than Lower. In the same period, her population had doubled itself five times, while that of Lower Canada had doubled itself but twice. Yet that this was the correct principle remained to be universally admitted; in Lower Canada alone had it been neutralized by an arbitrary territorial distribution. He must therefore vote in principle for the amendment of the hon. member for St. Maurice. The judicature bill which he understood to be proposed by the administration was very much like that which, when proposed by Sir Jos. Stuart, excited so much opposition from the hon. members opposite; but though they had now adopted it, he confessed that he saw nothing in it to meet the wants of the country. It besides would give Lower Canada a great many unnecessary judges--many more than there were in Upper Canada. Why should that be?<sup>42</sup> On account of the peculiarity of its Civil Law. Why was not the English Jury System adopted here? The Civil Law at present was applied only in cases of real property.<sup>43</sup> When the Lower Canadians, than whom none were more conscientious in the discharge of their duties as juror<sup>44</sup> (hear, hear,) <sup>45</sup> had the right of deciding in criminal cases on questions of life and death, why should they be prevented from deciding on questions of property? Why should the fact of a difference in the law of the two sections of the Province render it necessary to have a different method of deciding, and oblige the country to have so many more Judges? The hon. Member for Montreal had taunted the Hon. Member for St. Maurice with having neglected his Blackstone. He (Mr. B.) confessed that he knew no passage in Blackstone which mentioned the several hundred Judges of whom the Hon. Member for Montreal had spoken. Before the late Bill for trying actions for debts under twenty pounds, there were very few Judges indeed appointed by the Crown. In France however there were many hundreds. As to the School Act, he would only remark, that though no public meetings had lately been held in opposition to it, yet it was regarded with so little favour as ever<sup>46</sup> in his own county, nor, he thought, in the Township Counties generally.<sup>47</sup> It set parish against parish, neighbour against neighbour, and to get rid of the quarrels, people would not put the Bill into force at all. At the same time, every one desired to advance the good work of education, and no one was more anxious to do so than himself.<sup>48</sup> He would sanction any good Ministerial measure for the above purpose.<sup>49</sup>

But there was in the Speech no mention of that measure, which throughout the length and breadth of the land would be regarded with the utmost satisfaction,—he meant a measure for the abolition of the Seigniorial Tenure, that tax on industry and improvement. He did not wish to deprive any one of the rights, which almost all had purchased fairly in the market, for every man was entitled to be repaid for the money he laid out, and few of the present Seigniors had received their lands as descendants of the original grantees.<sup>50</sup> They had all been bought and sold several times. He could not, therefore, sanction any measure which would deprive them of property which they had laid out money to purchase. He regarded the Fuedal (sic) system as a blot on Lower Canada, the only country which tolerates it. It is a mill-stone about the neck on industry—a chain that must drag down the energies of the enterprising cultivator.<sup>51</sup> What could be more necessary than to abolish a system by which if he bought a piece of land for one hundred pounds, and built on it to the amount of £1000, he could not sell it, without the purchaser having to pay one-twelfth on the purchase money? That was so much loss to come to his pocket, so much<sup>52</sup> filched from the hard earnings of the farmers'<sup>53</sup> brain and his hand, to go to a man who probably has never laid out one farthing for education or the improvement of the country.<sup>54</sup> The want of notice of the Speech was to him unaccountable.—<sup>55</sup> After alluding to what he considered a verbal defect in the Address, which spoke of vessels of 9 feet draught going one way in the Canals, and only 8 feet draught going the other way,<sup>56</sup> ((and)) urging that something more was required than the opening of the Port of Montreal to give importance to our trade<sup>57</sup> the hon. gentleman went on to speak of the clause relating to the existence of commerce, and expressed his concurrence in what related to the Navigation Laws. He knew the question of free trade or protection, was a vexed one, and perhaps that was the reason it was so rightly passed over. As a passing observation he would remark that<sup>58</sup> he did not relish the closeness of restriction; but some protection to agriculture and manufactures, was necessary and should have been mentioned. It certainly was desirable that our farmer should be able to under sell the foreigner.<sup>59</sup> At the same time there were no statistics in the possession of the House to show whether more protection was necessary than what was incidentally afforded by the duties levied for revenue purposes. If the words "vessels seeking trade" in our ports, applied solely to sea-going ships, he concurred entirely, as he had before remarked, in the sentiments expressed, for it was obviously to the advantage of the community that the Canadian producer should get his produce to the market at the least expense. But if American vessels were to be admitted to free competition on the lakes, it was obvious that all our vessels would be swept off, as our neighbours possessed more capital, and could build, sail and provision their vessels more cheaply than we could do. The hon. gentleman concluded by expressing his opinion that the debate was wholly contrary to English parliamentary custom, by which it was usual to let the address pass at once, unless for some great objection, or when a trial of party strength was to be made. At the same time, he would engage for himself and friends to give no factions nor unnecessary opposition to the gentlemen opposite to him.<sup>60</sup>

MR. SEYMOUR desired to know the opinion of the Government on the question of free trade or protection, in order that the public opinion might be



expressed<sup>61</sup> by petitions, &c.<sup>62</sup> In the present state of almost total bankruptcy<sup>63</sup>, great prudence was required in legislating between the conflicting notions of Free Trade, opening the St. Lawrence, Protection, &c. The abrogation of the Navigation Laws was well enough, as a means to cheapen freight, and to raise a revenue, but he doubted whether it would much increase our trade. Our neighbours would enlarge the Erie canal in their turn. Moreover, the high rates of insurance and freight, would operate against us from our inland position. He desired a moderate protection, on the United States plan, by duties upon such articles as we could not ourselves produce. There was nothing said in the Speech about the expense of Civil Government<sup>64</sup>, of which the hon. Attorney General (West) had been so staunch an advocate, when out of power.<sup>65</sup> Hon. gent. opposite, when themselves in opposition, were loud in their complaints on this score, why did they not now carry their own doctrines?<sup>66</sup> He was in favour of the principal portion of the Address; but opposed to an increase of representation<sup>67</sup>. We should have to erect, at great cost, the suitable Judicial and Parliamentary buildings required--this expense proposed too, by men who pay the very village school-masters in debentures!--(Hear, hear, hear,)--He should like to see such a modification of the Judicature Act as would assist the administration of Justice.<sup>68</sup> The fees in the Chancery Court were too high, and the proceedings too protracted. The District and Division Courts also requires reforms; indeed the District Court Act of 1845 had only increased the fees of those Courts. In any bill respecting the Division Courts, power should be given to try small cases of trover and damages. He was also in favour of the clause for appropriating lands in Upper Canada to Common Schools; but he hoped Government would not alienate all the Crown Lands, till they had done for the militia of Upper Canada, that act of justice, which the hon. Attorney General (West) had so lately favoured when out of power.<sup>69</sup> He would draw the attention of the Executive to the Militia Laws, why are not the men, in both sections of the Province, placed on the same footing<sup>70</sup>. All who served in 1812 had become entitled to certain lands<sup>71</sup> known as the Prince Regent's Bounty.<sup>72</sup> But in 1813 and 1814 this was extended to the militia of Lower Canada, so as to give them lands to the extent of about £250,000, while those of Upper Canada got but about £80,000.<sup>73</sup>

M. LAURIN.--M. l'orateur, j'aurais désiré que l'honorable membre pour le comté de St.-Maurice eut réservé cette question pour un autre temps. Mais puisque la question est soumise à la Chambre, il faut se prononcer; c'est une question qui intéresse le pays entier. Je diffère d'opinion avec l'honorable membre en ceci, c'est que je crois que ce n'était pas le moment d'agiter cette question; quand à la question en elle même, je suis avec lui. M. l'orateur, nous avons vu le peuple du Bas-Canada se récrier contre l'injustice de la représentation du pays. Nous avons vu des assemblées se faire dans toutes les parties du Bas-Canada pour réclamer une représentation basée sur la population, et protestant en même temps contre l'injustice qu'on nous faisait en donnant au Haut-Canada une représentation aussi forte que la nôtre, tandis que le Bas-Canada a une population supérieure à celle du Haut-Canada.

Le manifeste du comté constitutionnel de la réforme et du progrès, réclame fortement contre cette injustice, suite de l'acte d'Union qui nous



a été imposé par le gouvernement anglais. Ce manifeste que je tiens à la main a été adopté par tout le Bas-Canada, par les districts de Québec et des Trois-Rivières, tout entiers, et par partie du district de Montréal. Ce manifeste demande, en termes que ne peuvent laisser aucun doutes, une représentation basée sur la population, comme mesure de justice pour le Bas-Canada.

C'est après avoir moi-même soutenu une telle proposition que je suis appelé à voter aujourd'hui sur cette question. Après m'être présenté avec le manifeste à la main sur les hustings, et m'être fait élire, comme probablement la plupart des membres de cette Chambre, par des électeurs qui avaient pris ce manifeste pour programme, je crois de mon devoir, pour être conséquent avec moi-même, de voter pour la proposition qui est devant la Chambre, quelque soit le temps où elle est présentée.

Je ne suis pas préparé à me prononcer sur cette question. Je n'ai cependant pas voulu donner un vote silencieux; et c'est pour cela que je répète que c'est une injustice qu'on nous a faite de nous donner la même représentation qu'au Haut-Canada quand on est beaucoup plus nombreux. J'ai toujours réclaté contre cette injustice, et je crois devoir encore le faire aujourd'hui que je n'ai aucune raison pour m'engager à changer d'opinion. Je vote donc en faveur de l'amendement.<sup>74</sup>

M. CAUCHON.--Je voudrais bien que l'honorable membre pût me montrer dans le manifeste de Québec un seul mot à l'appui de ce qu'il dit?<sup>75</sup>

M. LAURIN.--Je vais répondre à l'instant. Voici ce que dit le manifeste:

"Par une des résolutions unaniment adoptées par l'assemblée du 29 juillet, il est déclaré que le nombre des membres de l'assemblée législative au Canada est insuffisant pour représenter complètement et fidèlement les vœux et les besoins du peuple de cette province, et qu'il n'est point proportionné à la population du pays déjà considérable et qui s'accroît rapidement," et il est instamment recommandé "au comité" de prendre toutes les mesures qu'il croira propres à obtenir une représentation plus nombreuse et plus en rapport avec la population des diverses parties du pays."<sup>76</sup>

M. CAUCHON.--M. l'orateur, je n'aurais certainement pas parlé ce soir, sans les réflexions de l'hon. député de Lotbinière, sur la question importante de la réforme électorale, question que la chambre n'a pas à discuter aujourd'hui et qui exige une discussion à part et plus étendue. Je n'aurais pas parlé, parce que je sens qu'on a discuté sur tous les sujets possibles sans but aucun, et qu'après trois jours de débats, il est temps que nous nous occupions des intérêts et des besoins réels du pays, (très bien.)

Mais l'hon. député de Lotbinière vient de faire une assertion que je ne puis ne pas relever<sup>77</sup> ((et)) j'espère néanmoins qu'on me permettra de dire quelques mots. J'ai demandé à l'honorable membre qui vient de s'asseoir, de me citer quelques expressions qui pussent justifier sa pensée. Il n'a rien trouvé. Il nous a lu un extrait du manifeste du comité constitutionnel de la réforme et du progrès de Québec.<sup>78</sup> Et que dit cette résolution? Elle dit uniquement, comme la chambre a pu s'en convaincre en l'entendant lire, que la répartition actuelle de la représentation est injuste, que la représentation n'est pas suffisante

pour la population, et qu'il faut l'augmenter.<sup>79</sup> Que peut-on désirer de plus? Rien ne tend, dans le manifeste de Québec, à dire qu'on ait besoin d'une représentation plus forte que celle du Haut-Canada.<sup>80</sup> D'ailleurs, c'est, mot pour mot, le préambule du bill de M. Aylwin, dont le dispositif élevait le nombre des représentants de 84 à 140, dont 75 pour le Bas-Canada et 75 pour le Haut-Canada. On se convaincra de cette vérité en confrontant le texte de la résolution avec le préambule du bill<sup>81</sup>.

C'est vrai.<sup>82</sup>

MR. CAUCHON ((continued:)) S'il peut y trouver un mot de plus en sa faveur, je dis qu'alors je voterai avec lui; mais il ne trouvera pas ce mot.<sup>83</sup>

Encore une fois, je me réserve à discuter pleinement cette question importante, lorsqu'elle viendra en son temps, devant la chambre.<sup>84</sup> Il est une autre considération qui doit nous convaincre que l'honorable membre adopte une mauvaise marche.<sup>85</sup> La chambre n'est pas appelée à voter le principe du bill de la réforme parlementaire, mais uniquement à reconnaître ou à nier la nécessité de législater sur un pareil sujet. Le discours du trône parle du besoin d'augmenter le chiffre de la représentation, sans mentionner le mode de répartition. Quand donc on serait pour la représentation basée sur la population, ce ne serait pas se compromettre de déclarer d'une manière générale, qu'il convient d'augmenter la représentation du pays. (Très-bien.)<sup>86</sup>

Maintenant puisque je suis debout, quoique je ne m'attendisse pas à parler ce soir, on me permettra de dire quelque chose sur des remarques qui ont précédé. L'honorable membre pour le comté de St.-Maurice a déversé l'injure sur tous les hommes du pays, sur l'administration, sur la représentation nationale et sur la presse.<sup>87</sup> (Très-bien.)<sup>88</sup> Il a voulu la rapetisser pour se grandir. Il a trouvé que le conseil exclusif était un petit conseil, mais il ne s'est pas rappelé que c'est l'âme de la Chambre qui est le grand conseil du pays; voilà ce qu'il n'a pas compris. Il ressent toujours du plaisir à rabaisser les hommes publics; c'était son système d'autrefois, il voudrait le faire revivre.<sup>89</sup> Il n'accueille que par le dénigrement et l'invective tous ceux qui ont le courage de ne pas penser comme lui.<sup>90</sup> Quand il voit qu'un homme commence à monter, il se hâte de tâcher de l'abaisser. Il se plaît à lancer l'invective contre tous ses concitoyens, contre tout le monde.<sup>91</sup> Il procède à l'injure par des progressions mais toujours par des progressions descendantes: c'est le propre de son talent. Il vous dira donc, si vous avez eu le malheur de provoquer sa colère, que vous êtes "vil, bas et mercantile."<sup>92</sup>

La presse n'a pas été épargnée; elle est menteuse, vile, basse et mercantile.<sup>93</sup> Pour lui, être marchand, c'est être plus bas que vil. (On rit.)<sup>94</sup> Il a ravalé la presse, mais elle est sortie victorieuse de cette lutte. Il n'est pas étonnant qu'il veuille la souiller; il en sent les coups qui le pressent et le martellent. Cet instrument, toujours si puissant, lui nuit; on peut donc lui pardonner de vouloir la bâillonner. Il n'est plus dans la même position qu'autrefois<sup>95</sup>. Le temps est passé où il commandait en dominateur et en tyran. Autrefois, il écrasait, il refoulait vers l'oubli tous ceux qui s'élevaient par leur mérite et dont la gloire pouvait jeter de l'ombre sur le colosse. Aujourd'hui, les hommes publics ne sont plus



ses esclaves, et<sup>96</sup> il y a des voix qui osent s'élever pour parler contre ses opinions, qui ont entraîné le pays dans l'abîme. Et moi, tout jeune que je suis,<sup>97</sup> je réclame, avec énergie, toute l'indépendance de mes opinions et la libre expression de ma pensée. (Très-bien.)

Il m'a attaqué jeudi de la manière la plus inconvenante et la plus personnelle, et tout la presse qui défend, avec moi, comme journaliste, la cause du pays, a été l'objet de sa haine et des plus injurieuses insinuations. Je suis fier d'être appelé à revendiquer ici les droits de la presse et à défendre ceux qui n'ont pas une voix dans l'enceinte législative. La colère et la haine de l'hon. député sont un baume pour moi, une indicible jouissance, elles me font du bien, et suffisent pour me payer du dur travail que je me suis imposé. (Très bien.) Quelqu'humble soit ma position dans le journalisme, je l'aime et l'apprécie, car cette position je la dois à mes concitoyens. D'ailleurs si l'hon. député du Saint-Maurice avait jugé du nul le Journal et les autres feuilles qui ne partagent pas ses opinions; s'il ne se sentait briser par le martelage incessant de la presse, si les coups terribles qu'elle lui porte n'allaient pas jusqu'à son âme travaillée par l'orgueil et l'ambition, il eut gardé silence à son égard, et l'attaquerait avec moins de fureur aujourd'hui. (Très bien.) Il faut donc lui pardonner, si, subissant les terribles tiraillements de cet engin dont la puissance lui fait peur et l'irrite, il fait entendre en rompant un bruit rauque et sacadé! (très bien.)<sup>98</sup>

De tout ce déluge de mots dont il a fatigué la Chambre, est-il sorti un seul raisonnement? Non! il nous a promenés par toute l'Europe, pour nous faire voir les belles choses qui s'y passent. Je ne suis pas l'ennemi du progrès. Je me réjouis du triomphe des idées libérales, de ces idées qui sont la manifestation des intelligences toujours se développant, toujours grandissant. Mais, M. l'orateur, si je suis un ami du progrès, je ne suis pas un démolisseur.<sup>99</sup>

Le grand pouvoir, la grande force de l'hon. député de St.-Maurice, est la force de démolissement! D'édification? Jamais. (Très-bien.)<sup>100</sup> Aujourd'hui vient-il replacer les pierres de cet édifice qu'il a détruit par ses folies? Non, il vient encore jeter le désordre dans le pays; s'il reste encore un édifice, il veut le détruire, le bouleverser. Il vient encore avec son pouvoir, je ne dirai pas invincible, mais fatal de destruction. Il veut frapper la base de cet édifice qu'il n'a pas eu l'honneur de reconstruire. Il nous a parlé de révolutions qui se sont opérées en Europe, de ses amis de France, de leurs talents, de leur grande éducation. Mes amis, c'étaient des hommes aux idées les plus extraordinaires. Il a été frapper à la porte de M. Proudhon; ses idées peuvent être les mêmes; il a des idées aussi extraordinaires.<sup>101</sup> Mais il y a cette différence entre lui et M. Proudhon, c'est que lui ne croit probablement pas que la propriété soit un vol! (On rit.)<sup>102</sup> Que nous a-t-il dit pour prouver que ses opinions étaient bonnes? Il a dit que l'acte d'Union était un acte infâme, excécrable; qu'il y avait eu de l'injustice envers les canadiens; que l'Amérique avait des institutions libres; que la France enfin, avait triomphé. Mais il n'a pas parlé de la réaction qui a eu lieu en France.<sup>103</sup> ((Et)) qui nie que l'acte d'Union ait été enfanté dans l'iniquité? Mais en est-il moins vrai que l'iniquité a été incomplète, et que ce qu'elle voulait anéantir elle lui a donné de la force et de la durabilité? Aujourd'hui<sup>104</sup> quand le peuple veut une mesure, il faut qu'il l'obtienne, qu'il n'est pas



d'homme qui ose s'opposer au peuple; que le pouvoir est entre les mains du peuple; que le gouvernement est le produit de la volonté du pays, par la volonté de l'administration.<sup>105</sup> Avec de pareils éléments de force et d'action l'on comprend que la chambre, pour la législation et l'administration, la chambre ne peut plus être comme autrefois, une simple société de discussion. (Très-bien.)<sup>106</sup> Le rappel de l'Union nous enlèverait tous ces avantages.<sup>107</sup>

L'hon. député nous a dit qu'il n'était descendu à Québec qu'à la suite de bien des instances et de bien des sollicitations. Savez-vous d'où lui sont venus ces instances et ces sollicitations? Du Dr. Bardy! (On rit.)<sup>108</sup>

M. PAPINEAU.--On m'a envoyé une lettre signée par soixante personnes.<sup>109</sup>

M. CAUCHON.--Quelles sont ces soixante personnes? C'était un petit comité qui avait été formé dans un petit coin de la ville. Le public n'en savait rien. Tout le monde a été étonné de voir l'hon. membre venir, d'une manière si peu digne de sa position d'autrefois, dans notre vieille capitale. Pourquoi y est-il venu?<sup>110</sup> Il était descendu à Québec pour jeter le poids de son influence dans l'urne électorale. Il voulait faire de l'agitation à tout prix, il voulait, en un mot, faire l'élection de Québec à l'encontre du ministère. Il eût dû garder le silence sur cette circonstance malheureuse de sa vie publique. Comme il n'était pas appelé par les citoyens de Québec, les citoyens de Québec n'allèrent pas au devant de lui; ils comprenaient trop l'inconvenance de sa démarche, à l'approche d'une élection pour se compromettre au point de lui faire visite, lorsque cet acte tout de cordialité et d'hospitalité, il l'eût pu l'interpréter comme un approbation de sa conduite. Cette position était humiliante, si on la compare aux ovations du passé. (Ecoutez.) Dans toute autre circonstance, tout ce qu'il y a de citoyens respectables dans Québec, tous ceux qui ont une position publique se fussent fait un devoir d'aller saluer un ancien ami et un compatriote revenu de l'exil au sein de la patrie<sup>111</sup>, lui donner la main. Mais il n'y a eu que deux ou trois personnes respectables qui sont allé lui rendre visite.<sup>112</sup> Attendez! l'honorable député de Saint-Maurice nous a parlé de son arrivée à Québec; mais il ne nous a pas parlé de son départ, il nous a pas dit qu'il était parti de Québec, musique en tête et tambour battant? (Hilarité.) Ceux qui l'avaient invité et dont je vous ai parlé il y a un instant, firent de prodigieux efforts pour obtenir à l'illustre voyageur une escorte qui fût digne de lui. Une compagnie de pompier fut organisée et celle-ci le conduisit au vaisseau. Malgré le zèle et l'activité de ses amis, on ne put réunir que plus de vingt-trois personnes pour lui faire queue. Ce fut donc au son du tambour que l'honorable député de Saint-Maurice sortit de la ville de Québec. Le tambour est souvent l'instrument de la victoire, mais il est quelque (sic) fois aussi l'instrument de la fuite et de la honte! (Rires et approbation.)<sup>113</sup> Voilà la position où l'honorable membre s'est trouvé.<sup>114</sup>

Qui ne connaît pas les intrigues du petit comté de l'hôtel d'Albion, qui ne sait pas que des résolutions y furent rédigées sous les yeux de l'hon. député de St. Maurice et dans le but avoué de créer des embarras à l'administration, malgré ses protestations du contraire dans le temps.<sup>115</sup> Son opinion était différente de celle des autres personnes qui s'y trouvaient, et il se vit obligé de<sup>116</sup> consentir à des modifications essentielles et

profondes. L'hon. député avait déclaré solennellement qu'on ne pouvait sauver le pays que par le rappel de l'acte d'Union. Et cependant, cet homme aux profondes convictions, renonce à son idée chérie, à son principe, pour accepter le programme de ceux qui l'ont appelé. "Moi, je suis, dit-il, d'opinion que le rappel de l'Union seul peut nous sauver ; mais vous le voulez, je me sou mets." N'avait-il pas qu'un but, et, pour l'atteindre, n'a-t-il pas prouvé qu'il pouvait tout faire, même manquer au respect qu'il se devait à lui-même et aux règles les plus ordinaires de la convenance? (Très-bien.)

L'honorable membre ne cesse de nous répéter que l'Union est une injustice, que c'est une oeuvre enfantée dans le noir, dans un but de destruction et d'anéantissement. Ce n'est rien de neuf pour la chambre et pour le pays. Mais l'oeuvre d'iniquité n'a-t-elle pas été brisée, parce que le tyran n'avait pas su bien combiner toutes les parties de son calcul infernal? et n'est-ce pas ce même acte d'Union qui a placé une influence française dans les conseils du souverain? Si des Canadiens-français, ne voulant pas accepter l'expérience du passé, s'étaient obstinément refusés à prendre part au gouvernement, où seraient aujourd'hui nos compatriotes? Dans l'isolement et l'abaissement. (Très-bien.)

Je sais parfaitement bien que l'acte d'Union, malgré qu'il fasse, ne saurait être rappelé, et au lieu de diriger les forces vives du pays vers un but utile, il s'efforce d'entraîner l'opinion vers le système d'opposition à outrance d'autrefois. C'est sa politique du "tout ou rien"<sup>117</sup>. Mais on sait à quoi ça conduit; à l'agitation, à la mort, à la fuite. Voilà le système du tout ou rien.<sup>118</sup> Cette politique, nos hommes publics ne l'ont pas suivie depuis 1840<sup>119</sup>. Le principe le plus sage, c'est de prendre la société telle qu'elle est et de tâcher de l'améliorer petit-à-petit. Eh! n'avons-nous pas déjà réussi à le faire? Oui;<sup>120</sup> en procédant lentement et prudemment<sup>121</sup> nous avons réussi à faire disparaître les clauses les plus injustes de l'acte d'Union<sup>122</sup>. (Très-bien.)<sup>123</sup> Et si nous avons réussi à cela, ne pourrions-nous pas faire plus encore? Nous ne devons donc pas essayer de renverser l'administration?<sup>124</sup> La violence a produit la destruction, la modération a réédifié et nous a donné le pouvoir. (C'est vrai.)<sup>125</sup> Mais cela n'est pas possible<sup>126</sup>. Il se trompe amèrement. Le peuple ne le suivra plus dans cette voie de désastres où son chef veut le conduire une seconde fois pour repaître son égoïsme et son ambition. (Très-bien.)

Si le pays ne peut pas vivre sans le rappel de l'Union, si son salut n'est qu'à ce prix, suivant l'honorable député de Saint-Maurice, pourquoi à l'assemblée de Québec a-t-il fait fléchir sa conscience et ses profondes convictions? (Ecoutez.) Pourquoi a-t-il abandonné le rappel de l'acte d'Union pour la représentation basée sur la population? Pourquoi admettre par cet acte de sa part la constitutionnalité, la rationalité et la validité de l'Union? Pourquoi? parce que ses auditeurs le voulaient ainsi et que, pour cet homme aux convictions si tenaces et si profondes, obéir à la voix de celui qui le flatte et l'encense, c'est être consistant; parce que mettre des entraves à la marche du gouvernement, à quelque prix que ce soit, même au sacrifice de ses opinions les plus accentuées et les plus énergiquement émises, c'est être invariable dans ses principes. (Très-bien.)

Il s'apercevait que le peuple, dans toute l'étendue du pays, ne voulait pas de l'agitation du rappel de l'Union; que le peuple ne voulait pas demander



ce qu'il ne pouvait obtenir; mais il voulait nuire à l'administration, il voulait lui susciter des obstacles. Tel était l'objet avoué du petit comité de rédaction qui tenait ses séances à l'hôtel d'Albion, sous sa vue et sa direction. (Ecoutez.) Il savait très bien qu'à la première vue et avant une discussion sérieuse de la réforme électorale, la grande majorité se prononcerait en faveur d'une réforme basée sur la population, il dit donc: "Proposons la réforme électorale basée sur la population. Le gouvernement ne voudra, ou ne pourra la donner; nous aurons atteint notre but, qui est celui de créer des obstacles. (Ecoutez)."127

J'aurais voulu qu'une autre circonstance se soit présentée pour discuter cette question de la représentation basée sur la population. J'espère qu'elle reviendra et que les hommes qui ont pu étudier cette question nous diront ce qu'ils en pensent.128

Mais ce serait insensé que de vouloir pour le Bas-Canada une représentation basée sur la population, et l'honorable député de Saint-Maurice qui, s'appuyant sur la justice absolue, veut que la plus grande somme de représentation appartienne à la plus grande somme de population, s'il pensait que le peuple du Bas-Canada est convaincu qu'actuellement ou dans peu la population du Haut-Canada aura dépassé la nôtre, oserait-il dire à un seul de nos collègues électoraux:129 "nous sommes moins nombreux que le Haut-Canada, et il faut en conséquence donner au Haut-Canada une représentation plus considérable que la nôtre." Oserait-il le faire? Non; il ne l'oserait pas130 car on le repousserait avec indignation et avec mépris. (Non, non.)131 S'il le dit aujourd'hui, c'est parce qu'il croit que le peuple est convaincu que notre population est plus forte que celle du Haut-Canada; c'est parce qu'il sait qu'il flatte par là les préjugés populaires; le peuple sera avec lui tant qu'il croira qu'on est plus nombreux dans le Bas que dans le Haut-Canada; cela ne pourra pas durer longtemps.132 Ce n'est donc que sur les préjugés qu'il a bâti ses théories destructives, et ce n'est donc, qu'en les flattant, qu'il espère conduire le peuple du Bas-Canada à se suicider. (Très bien).133 La seule clause, M. l'orateur, la seule clause de l'acte d'Union qui nous sauve, c'est cette clause par laquelle il faut les trois quarts de la représentation pour y apporter des changements; qui veut, que quelque soit la population respective des deux provinces, jamais l'une ou l'autre ne pourra obtenir une représentation plus forte que celle de l'autre province. Voilà le principe qui nous sauve aujourd'hui.

Il y a d'autres considérations d'un ordre peut-être supérieur que je pourrais faire valoir. Il y a cette considération qu'il faut 56 voix pour obtenir un changement dans l'administration. Que l'honorable membre compte ses voix. S'il veut donner au Bas-Canada une supériorité sur le Haut-Canada, rencontrera-t-il ses 56 voix? Quant à moi, je dis que cette mesure serait une mesure de mort pour le Bas-Canada. Je dis et je montrerai que nous ne sommes pas réunis au Haut-Canada comme peuple mais comme province. Nous sommes réunis réellement par l'acte d'Union dans un intérêt commun.134 (Ecoutez.) ((Mais)) l'honorable député de Saint-Maurice veut, à tout prix la justice absolue et la représentation basée sur la population dans le Canada, il ne veut pour son pays aucun principe d'équilibre, aucun contre-poids politique, et cependant il admet cette nécessité d'équilibre pour les pays étrangers. (Ecoutez).135

L'honorable membre a reconnu le nécessité de l'Union entre les états de l'Union américaine, pourquoi n'en reconnaîtrait-il pas la nécessité



pour les deux Canadas?<sup>136</sup> Pourquoi trouve-t-il sage que les tout petits comme les très grands Etats de l'Union ne soient représentés chacun par deux membres, ni plus ni moins, dans le sénat fédéral, lui qui crie de toutes ses forces que la représentation non répartie suivant la population est une monstrueuse iniquité? (Très bien). Je sais qu'il me répondra: Mais nous ne sommes pas vis-à-vis du Haut-Canada, dans la position d'un état confédéré." Oui, nous le sommes. Nous avons été, il est vrai, unis individuellement au Haut-Canada; mais virtuellement c'est comme province que nous prenons part à l'Union. En effet, n'avons-nous pas nos institutions à protéger et à défendre comme le Haut-Canada a les siennes qu'il chérit et vénère comme nous chérissons et vénérons les nôtres? (C'est vrai.) Ce qui prouve plus que quoi que soit que nous sommes comme province partie à l'Union, c'est notre législation de chaque jour et de chaque moment, c'est la législation distincte pour le Haut, et la législation non moins distincte pour le Bas-Canada. Et comment maintenir cet équilibre, ce contre-poids dans lequel il ne peut avoir de sécurité et de garantie pour les institutions et les lois de l'une ou l'autre province, si ce n'est par l'égalité de la représentation? (Très bien). Convient-il? est-il prudent de placer une province à la remorque de l'autre et d'exposer ainsi au démolissement les institutions sociales et politiques de la province numériquement la plus faible dans l'enceinte législative? (Ecoutez.)<sup>137</sup> Est-ce qu'il est sincère, quand il dit qu'il veut la représentation basée sur la population? Est-il vrai que s'il est vrai que dans deux années le Haut-Canada aura une population plus forte que la nôtre, il faudrait toujours cette justice absolue, dont il nous parle, pour tout le monde? Mais dans quelle position le Bas-Canada se trouverait-il alors par rapport au Haut-Canada? Il se trouverait dans un état d'infériorité qui le conduirait à sa ruine. Jusqu'ici le Haut-Canada a eu une population moins forte que la nôtre, et il a joui d'une représentation égale. Et aujourd'hui que vient le moment de la rétribution, que la balance est de l'autre côté, que la population du Haut-Canada va être plus forte que la nôtre, nous allons reconnaître ce principe, nous allons lui donner une supériorité dans la représentation?<sup>138</sup>

L'honorable député de Saint-Maurice trouve que les hommes du ministère sont méprisables et corrompus et les attaque avec colère. Mais s'il réussissait à les faire descendre du pouvoir, il sait très bien que les hommes de l'opposition ne sont pas assez forte pour les y remplacer. Ce n'est pas là non plus son objet. Son objet, c'est de rendre le gouvernement impossible, c'est de pousser de nouveau ses concitoyens dans la voie des luttes à outrance, c'est de pousser de nouveau dans le désordre et l'anarchie, c'est de rappeler de nouveau les terribles événements qui ont passé sur le pays dans nos jours de deuil. (Ecoutez).

Les petites choses excitent comme les grandes, sa colère et sa réprobation. Avec quelle indignation n'a-t-il pas dénoncé cette clause de l'acte d'union qui déclare que 20 députés présents suffisent pour former un quorum.<sup>139</sup> Oh! c'est une chose néfaste qu'un quorum de vingt personnes, et pour cela on peut tout bouleverser! on peut arrêter la marche du gouvernement! faire écraser la population Canadienne! Il faut être bien aveugle, bien orgueilleux pour croire que dans cette simple question est renfermé une iniquité assez grande pour nous faire abandonner le pouvoir.<sup>140</sup> Si comme on n'en peut douter, l'esprit qui a présidé à la confection de

l'acte d'union avait un but mauvais, un but d'isolement et d'anéantissement, tout le monde conviendra que cette clause au moins ne porte pas dans sa contexture le même cachet d'iniquité. C'était une simple mesure d'expérience. Lord Sydenham ayant fabriqué l'union voulait la faire marcher à tout prix, et jugeant, en face de l'injustice qu'il commettait, jugeant les Canadiens-français par la conduite des chefs politiques de l'ancien régime, il crut, dans doute, devoir réduire à 20 le quorum de la chambre pour éviter les inconvénients auxquels pourrait exposer leur isolement et leur refus de participer à la chose publique. Mais il s'est trompé, et les Canadiens-français<sup>141</sup> sont entrés dans l'administration, dans le gouvernement. Ils ont fait valoir leur influence morale; leur énergie a triomphé et les Canadiens sont au pouvoir; leurs droits sont respectés<sup>142</sup> et le chef de l'administration est un Canadien-français. (Très bien).

Si nos hommes publics, à force de persévérance et de modération, ont pu arracher à l'acte d'Union ses plus méchantes pages, ces pages qui avaient été évidemment écrites avec une intention hostile, ne serait-il pas infiniment plus facile,<sup>143</sup> maintenant que l'usage de notre belle langue est permis en parlement,<sup>144</sup> dans le cas où on le jugerait nécessaire, d'obtenir le rappel de ces clauses indifférentes et sans portée politique? Pourquoi donc se plaindre avec tant d'amertume de ce qui n'a été depuis l'Union, ni un inconvénient, ni un obstacle à la marche des affaires publiques? (Très bien.)<sup>145</sup>

Mais, M. l'orateur, ce qui m'a surtout frappé dans cette discussion, ce sont les compliments<sup>146</sup>, les caresses que se font et les doux embrassements que se donnent réciproquement l'honorable député de St.Maurice et l'honorable député de Sherbrooke. Avec quel amour et quelle effusion le présent député de St. Maurice et l'ancien député de St.Maurice ne se pressent-ils pas l'un contre l'autre; et sous l'influence de cette étreinte d'une fraternité sans exemple, ils s'échangent des paroles de brûlante sympathie. (Bruyante hilarité et cris de: écoutez)! Que les temps sont changés!<sup>147</sup> L'année dernière, se rappelant les événements de trent-sept, il s'élevait avec indignation contre l'honorable membre pour le comté de St.-Maurice; il n'y avait pas d'épithètes assez fortes pour le stigmatiser, pas d'injures assez fortes pour lui lancer à la figure; c'était un ambitieux, un lâche, un traître.<sup>148</sup> C'était, j'emploie ses expressions mêmes, c'était un miserable wretch, un homme sans convictions, sans conscience, sans principes, sans entrailles et sans honneur. (Ecoutez). Aujourd'hui ses idées sont changées,<sup>149</sup> parce qu'il croit qu'il pourra peut-être par là créer de la division dans les rangs libéraux, aujourd'hui sa voix devient meilleure, il n'a pas assez de compliments à lui faire; c'est un homme consistant, un homme à grandes et profondes convictions, un homme d'une force de caractère admirable. Il se plaît cependant à ajouter, il est vrai, "je l'ai toujours combattu avec force, avec énergie, avec tout le pouvoir de mon âme; j'ai fait couler le sang des canadiens, mais je reconnais que j'ai été dans l'erreur; l'honorable membre, je dois le reconnaître, était honnête et sincère!<sup>150</sup> (Ecoutez).<sup>151</sup> J'espère aussi que si moi, j'ai fait couler le sang de ses compatriotes, il voudra bien croire que moi aussi j'étais alors sincère. Embrassons-nous donc, nous ne pouvons manquer de nous aimer aujourd'hui." Voilà la manière avec laquelle on procède.<sup>152</sup>



L'honorable député de Sherbrooke avoue toujours avoir été l'adversaire ardent de l'hon. député de St.Maurice; qu'il s'est précipité dans la mêlée pour le combattre, a versé le sang des Canadiens-français, et cependant il croit à son honnêteté et à sa sincérité. (Ecoutez).

Après des paroles aussi sympathiques et aussi amicales, la réciprocité ne pouvait se faire longtemps attendre, et aussi l'honorable député de St.Maurice est-il venu rencontrer à mi-chemin son ancien ennemi.<sup>153</sup> "Oui, a-t-il dit, je sais que vous vous êtes jeté avec fureur au milieu du combat, que vous avez aidé à massacrer nos compatriotes, mais aujourd'hui je vous dis que vous étiez sincère. Vous avouez que je suis sincère, moi qui voudrais jeter le trouble dans le pays, parceque je voudrais la désolation d'autrefois; pourquoi ne dirais-je pas que vous êtes sincère vous aussi?" Les deux honorables membres aujourd'hui s'embrassent; ils veulent marcher de concert!<sup>154</sup>

Mais nous allons de miracle en miracle,<sup>155</sup> il y a aussi un autre phénomène dans cette Chambre; c'est que l'honorable membre pour le comté de Gaspé a donné lui aussi l'embrassade à l'honorable membre pour le comté de St.Maurice<sup>156</sup>. Il ne l'accueillait pas avec des paroles aussi suaves lorsque la parole puissante alors, de de (sic) l'ex-orateur de l'ancienne chambre d'assemblée du Bas-Canada, le chassait avec ignominie pour la cinquième fois de l'enceinte parlementaire! (Rires, et écoutez.)

L'honorable député de Gaspé a cru devoir insinuer que les honorables juges Bedard et Aylwin ont été coupables de transactions honteuses et déshonorantes, et l'affirmer en ne s'appuyant que sur la rumeur publique. Il me semble que la noble indépendance et l'intégrité dont l'un de ces juges avait fait preuve dans des temps de malheur et d'angoisse, devrait le mettre à l'abri d'accusations aussi insidieuses et aussi déloyales. (Ecoutez.) La rumeur n'est pas toujours équitable; mais si on devait lui prêter oreille, il faudrait croire que<sup>157</sup> si la dernière administration n'était pas morte sitôt, l'honorable membre pour Gaspé aurait peut-être été fait agent pour les biens des Jésuites. Autrefois l'accolade n'eut pas été si facile, il n'eut pas pu dire qu'il se plaisait à croire que l'honorable membre pour le comté de St.-Maurice avait un si grande influence dans le pays. Si l'honorable membre pour Gaspé avait eu encore l'espérance d'avoir l'agence pour les biens des Jésuites, si la dernière administration, malheureusement pour le pauvre homme, ne fut pas expirée,<sup>158</sup> l'agence serait restée dans les mains de celui qui la possédait déjà. (On rit.)<sup>159</sup>

Maintenant, après avoir rappelé les paroles admirables par lesquelles ses siens amis se sont embrassés, tout en essuyant le sang qui pourrait bien couler encore, (comme les temps changent!) maintenant je ferai remarquer encore un phénomène que j'ai observé en cette Chambre. C'est que ceux qui soutiennent aujourd'hui l'honorable membre pour le comté de St.-Maurice, sont précisément ceux qui l'opposaient autrefois, lorsqu'il était, du moins de parole, si grand défenseur des institutions de son pays; ce sont les membres qui autrefois composaient le family compact. D'où vient cette réunion de partis jusqu'ici si opposés? c'est que, comme l'on dit, les extrêmes se touchent<sup>160</sup>. Jamais cette maxime n'a été plus vraie que dans cette circonstance. C'est le républicanisme le plus extrême fraternisant avec ... l'aristocratie du Haut-Canada. Avec ce parti, l'honorable député de Saint-Maurice a formé une alliance offensive et



défensive. C'est probablement qu'il y a affinité ou identité actuelle entre les quelques hommes qui ont longtemps possédé le pouvoir dans le Haut-Canada, et la famille qui, l'ayant perdu, veut le conquérir à tout prix dans le Bas-Canada. (Très-bien.)<sup>161</sup> C'est qu'il y a chez eux communauté d'affection, des instincts qui leurs sont naturels; c'est qu'il y a des questions de vaste importance pour le pays auxquelles l'honorable membre pour le comté de St.-Maurice n'a pas touché<sup>162</sup>. L'honorable député de Saint-Maurice, qui a parlé de toutes les choses possibles, a-t-il gardé le silence sur la question qui agite le pays sur toute sa surface, la tenure seigneuriale? c'est que l'intérêt du seigneur et celui du censitaire ne sont pas les mêmes; c'est qu'il avait raison de ne pas attaquer cette question extrêmement chatouilleuse et qu'il appellerait, lui, délicate. (Très-bien.)<sup>163</sup> Oh! il n'y avait pas de danger qu'il fit entendre la moindre plainte à ce sujet! Il ne faut pas toucher à cette question. Cela vient peut-être de la formation d'un autre family compact entre l'honorable membre pour le comté de St.-Maurice, celui de Sherbrooke, et quelques autres?<sup>164</sup>

Il y a progression dans les affections de l'honorable député de Saint-Maurice, il paraît que, pour lui, le pays c'est sa famille, car il s'est efforcé de réhabiliter dans l'opinion publique l'homme que le pays tout entier a répudié et repoussé avec indignation comme un instrument de division et d'asservissement. (Tres-bien). Je veux parler de l'honorable ex-président du conseil. Il l'a couvert d'éloges cet homme que la vanité et l'ambition retenaient au pouvoir contre le gré de ses concitoyens.<sup>165</sup> "Vous avez rejeté cet homme, vous avez eu un grand tort; c'était un homme digne de votre respect<sup>166</sup>. Vous avez dit partout que M. Viger est irreligieux, s'écrie-t-il, et cependant il est<sup>167</sup> un homme profondément religieux; ce n'était pas un sceptique, il était plus religieux que tous ceux qui l'ont attaqué! c'était enfin l'homme le plus religieux au monde.<sup>168</sup> C'était une atroce calomnie."<sup>169</sup>

Mais il ne s'agissait pas de savoir si cet homme était plus ou moins religieux;<sup>170</sup> qu'avons-nous à faire avec sa religion ou avec le symbole religieux de qui que ce soit?<sup>171</sup> Lorsqu'un homme<sup>172</sup> pour rester au pouvoir<sup>173</sup>, attaque les institutions d'un peuple, il doit regarder pour le condamner s'il est religieux ou non? Lorsqu'il y a des institutions qui appartiennent à des hommes d'une croyance dans un pays, est-ce qu'on peut être justifiable, qu'on soit catholique ou non, d'élever sa voix contre ces institutions, de voter contre les droits d'une classe d'hommes en particulier?<sup>174</sup> (Ecoutez).<sup>175</sup> Non, on ne l'est pas; et l'honorable<sup>176</sup> député de Saint-Maurice s'est soigneusement abstenu de considérer la chose sous son véritable point de vue, il a soigneusement évité de dire que M. Viger a voté pour faire passer en des mains étrangères les biens des Jésuites qui sont la propriété des catholiques du Bas-Canada! Son silence est significatif; c'est qu'il approuve la spoliation sanctionnée par le vote de son cousin et son frère. (Très-bien.)<sup>177</sup> Il avait besoin de louer ce stigmate qui pèse sur sa famille.

Je ne veux pas attaquer chacun des membres de sa famille en particulier; je ne veux pas attaquer ceux qui sont respectables; je n'ai rien à faire avec ceux-là. Mais j'ai droit de parler des hommes publics, de quelque famille qu'ils soient, qui ont porté une main coupable sur les droits de

mes compatriotes; il s'agit de savoir s'ils sont justifiables de l'avoir fait.

L'honorable membre a attaqué toute la presse à propos de M. Viger; la presse qui a osé s'élever contre les méfaits de ce vieillard malfaisant est une presse avilie, mensongère, infâme. Eh! bien, quoiqu'il en dise, je ne crains pas d'avancer, que lui aussi descendra aussi bas, sous les coups de cette presse, qu'est descendu celui dont il prend la défense aujourd'hui, si surtout il continue à tenir une conduite aussi indigne que celle qu'il a suivie depuis quelque temps. Il a voulu arrêter toute discussion en tuant la presse; il a attaqué, calomnié, tour à tour, tous les journaux du pays. C'était peu digne d'un homme qui avait autrefois occupé une si haute position, de vouloir tout avilir autour de lui; mais y avait intérêt à baillonner l'opinion publique; et pour cela il pouvait tout faire. Je suis heureux d'être un des rédacteurs de ces journaux qu'il a lâchement calomniés; ça me fait plaisir de voir qu'il lui ait fait une guerre acharnée. C'est une preuve qu'il en sentait les inconvénients, qu'il se voyait écrasé sous ses durs martellements.<sup>178</sup>

Il vous parle de son indépendance; il vous dit que partout, à l'étranger comme sur le sol de la patrie, il a fièrement levé la tête et courageusement exprimé sa pensée. Il n'a levé la tête que loin de l'ennemi, il n'a parlé qu'après le danger. Brave dans la parole et lâche pour l'action, il n'a d'indépendance et de courage que pour l'invective et l'injure sans responsabilité morale. (Très bien). Personne, je l'espère, personne dans cette chambre, ne pliera le cou sous la censure qu'il a portée contre chacun de nous en particulier<sup>179</sup>, que nous sommes tous vendus<sup>180</sup>. (Non, non). Personne n'acceptera l'avilissante flétrissure dont il veut souiller nos fronts. (Non, non). Non! la stigmate est au front seul de celui qui consent à ravalier son pays tout entier, parce qu'il ne veut pas penser comme lui! (Très bien).

Je réclame pour moi-même, je réclame pour chacun des membres de cette chambre, en particulier, et je crois que ma voix, toute faible qu'elle est, aura de retentissement dans cette enceinte, (oui, oui), je réclame pour moi et pour la chambre contre les odieuses appellations de l'honorable député de Saint-Maurice. (Très-bien). Sera-t-il dit que cet homme sera le seul indépendant, le seul intelligent et le seul honnête? (Non, non). Est-il vrai que la chambre soit avilie et que nous soyons tous des automates, des mannequins, que l'on fait mouvoir à volonté? (Non, non). Cette accusation brutale et mensongère, la chambre la méprise et le pays la flétrit de son immense et énergique réprobation. (Très-bien).<sup>181</sup> L'honorable membre, parceque nous avons eu le courage de combattre ses idées désorganisatrices, de dévoiler ses projets ténébreux, de dire au pays qu'il voulait de nouveau le conduire à l'abîme, n'a plus eu que des invectives à nous lancer par la tête; et l'on sait s'il excelle dans cet art.<sup>182</sup>

L'honorable député de Saint-Maurice ne pourrait asseoir son avenir et ses espérances de triomphe que sur les préjugés et sur la non-science de ses concitoyens à l'endroit de certaines questions politiques. Les grands mots de justice absolue pourront résonner agréablement à leurs oreilles tant qu'ils ne s'apercevront pas que la justice absolue, pour eux, c'est la mort. (Très-bien). Depuis que je suis entré dans la vie publique et



depuis que je me suis imposé la tâche pénible de journaliste, je me suis toujours fait un devoir de combattre les préjugés,<sup>183</sup> pour empêcher le pays de se jeter de nouveau dans une voie qui ne peut que le conduire au renouvellement des désastres de 37; c'était une position généreuse, c'était une lutte ardue, mais glorieuse jusqu'à ce que le grand jour de la justice arrivât; jusqu'à ce que la lumière parut et fit voir les hommes tels qu'ils sont, grands en apparence, mais petits en réalité. Jusqu'alors j'aurais à lutter contre les préjugés, mais les préjugés tomberont à force de les marteller.<sup>184</sup> J'ai toujours aimé la discussion franche et courageuse, parce qu'elle est plus équitable d'abord, et qu'elle m'a toujours conduit plus facilement au succès de ma pensée et au résultat de mes désirs, qu'une discussion pusillanime, et assise sur des préjugés stupides ou malheureux. Les conséquences qui pouvaient découler de ma conduite et de mes actes consciencieux, je ne les ai jamais mises en ligne de compte. (Très-bien).<sup>185</sup>

Il a voulu ravalier le pays dont la représentation n'est que le résumé. Il a déblatéré, il nous a ennuyé pendant cinq heures de suite de ses discours d'autrefois. Il nous a dit que le discours de son excellence n'était qu'une oeuvre de misère; une oeuvre tout à fait mal rédigée. Eh! je voudrais que vous, M. l'orateur, qui étiez autrefois son rédacteur, (il aurait lui fait un bien pauvre rédacteur,) qui étiez son rédacteur, parcequ'il ne savait que déclamer sans conclure jamais, que vous nous disiez, s'il a jamais fait rien d'approchant.

Si vous étiez appelé à vous prononcer en ce moment, vous ne pourriez que dire, que jamais vous ne l'avez entendu répéter autre chose que le discours qu'il nous a fait l'année dernière à plusieurs reprises, et qu'il nous a déjà répété cinq fois depuis que nous nous sommes assemblés. Je dis donc encore une fois, M. l'orateur, que je réclame pour cette Chambre contre les insinuations qu'a lancé contre elle l'honorable membre pour le comté de St.-Maurice. Pourquoi l'indépendance serait-elle l'apanage exclusive de l'honorable membre? pourquoi lui qui a tant d'indépendance de caractère<sup>186</sup> ((s'il)) a toujours regardé comme indispensable le rappel de l'union depuis que l'acte existe, si c'est une iniquité monstrueuse contre laquelle il fallait protester toujours, quand même,<sup>187</sup> a-t-il été deux ans sans rien dire au sujet de l'union sur lequel il ne peut se taire aujourd'hui?<sup>188</sup> Ah! c'est que son frère et son cousin étaient au pouvoir contre le gré de ses concitoyens, sacrifiant tout, vendant tout et s'y maintenant par la corruption et l'apostasie. (Très-bien).<sup>189</sup> ((Aussi)) il y avait un vote qui devait arrêter la parole de l'honorable membre. Il fallait à l'administration qui est tombée une voix qui se taisait depuis des années; et dans les subsides vous avez vu une somme de \$18,000 de votée en sa faveur. Voilà le secret de son silence prolongé.

L'honorable membre qui avait refusé d'accepter son salaire, parceque, disait-il, il n'était pas voté par le peuple, c'est-à-dire par les hommes de son parti, l'honorable membre qui a toujours considéré l'acte d'Union comme une iniquité et qui a déclaré qu'il ne voulait pas agir avec une pareille formule de gouvernement, après deux ans de silence trouve bon d'accepter d'un gouvernement<sup>190</sup> inconstitutionnellement constitué<sup>191</sup> pire que tous ceux qui l'ont précédé une somme de £4,500<sup>192</sup>. Pourquoi a-t-il accepté de ce gouvernement ce qu'il refusa de l'ancien gouvernement du Bas-Canada?<sup>193</sup> Dès lors on le voit sortir du mutisme où il avait cru dans

son intérêt devoir se tenir.<sup>194</sup> Ah! c'est qu'il y a dans son coeur d'autre chose que des convictions constantes, profondes et consciencieuses; ah! c'est qu'il adore un autre dieu que celui de la conscience, et obéit à d'autres instincts qu'à ceux de la justice, à d'autres dictées que ceux du devoir. Les actes sont habituellement la mesure de la conscience et des convictions. (Très-bien). Il me répondra sans doute que, n'étant pas dans la vie publique, il devait garder le silence. Garder le silence lorsque son pays gémissait sous l'oppression et sous le joug d'un gouvernement qu'il a toujours regardé et qu'il regarde encore comme une injustice et une iniquité! Mais était-il, pouvait-il être dans la position d'un simple individu, dans la position même d'un homme publique ordinaire, qui a servi son pays dans la mesure de sa capacité et de son influence? (Non).. Non, il ne le devait, il ne le pouvait pas, car le pays tout entier avait obéi un jour à ses conseils et aux dictées de sa parole; et c'est parce qu'il a accepté sans discussions cette parole et ces conseils qu'il subit aujourd'hui l'influence du système que répudie avec tant de colère l'hon. député de St.-Maurice. Non, il ne le devait pas, car<sup>195</sup> lui qui aurait été, qu'on me pardonne cette expression la personification, de la nationalité canadienne, devait, il me semble, lever la tête, quand il voyait, comme il l'avoue aujourd'hui, ses compatriotes marcher dans une voie qu'il considérerait pleine de danger. Voilà la position qu'il aurait dû prendre, mais comme je l'ai dit, il s'est tue parce qu'il y avait intérêt, parce qu'il préférerait se taire sur les méfaits d'une administration où se trouvaient des membres de sa famille, que d'élever la voix contre elle dans l'intérêt de ses compatriotes.<sup>196</sup> (Très-bien).<sup>197</sup>

Oh! du moment que cette administration est tombée qu'il en a retiré tout ce qu'il en attendait, il devient brave, il ne craint plus d'élever la parole; j'aurai, dit-il, en dépit de tout, le courage de dire ma pensée! Le courage de s'exprimer? mais qui ne l'aurait pas dans un pays comme celui-ci, sous un gouvernement comme le nôtre? Ah! il est brave; mais c'est qu'il sait bien qu'il n'y a pas de danger ici pour un homme public d'exprimer ses opinions, quelques folles quelles (sic) soient.

S'il y avait du danger, il ne serait pas si courageux les faits passés nous le garantissent assez. Mais il n'y a pas de danger; voilà pourquoi il est si ardent à tout attaquer; voilà pourquoi il jette l'invective indifféremment à la face de tout ses concitoyens.<sup>198</sup>

Vous avez dû remarquer que l'hon. député de St.-Maurice en faisant allusion au fait que le discours de Trône a été lu en français par Son Excellence le gouverneur général, en a complimenté le gouverneur général d'une manière toute particulière et a cherché à l'isoler de son administration pour le louer seul. Ce n'était pas son habitude autrefois; il n'avait pas d'ordinaire des paroles aussi agréables et aussi suaves à adresser aux gouverneurs de cette province. Pourquoi donc cette modification dans sa pensée et dans sa parole? Les espérances de l'avenir n'y seraient-elles pas pour quelque chose, et dans l'éventualité d'une résignation, ne convient-il pas de ne se pas rendre impossible par un langage trop dur et un peu provocateur? (On rit).<sup>199</sup>

M. l'orateur, j'ai parlé depuis plus longtemps que je l'aurais désiré parce que je me réservais alors de discuter sur la question de la représentation que quand elle viendra dans cette Chambre. Je ne m'attendais pas à parler sur tant de questions; mais l'honorable membre a voyagé partout et il a bien fallu le suivre un peu dans ses excursions. Je demande



pardon à la Chambre de l'avoir occupée un peu longtemps, mais il me semble à moi qui avait été attaqué avec tant de rugueur par l'honorable membre, qu'il pouvait bien m'être permis de me défendre un peu. Je suis flatté, je me réjouis de voir l'acharnement que l'honorable membre met contre le Journal de Québec en particulier.

S'il déteste tant ce journal, c'est qu'il sent que ce journal, ainsi que les autres qu'il a voulu flétrir, empêcheront ses folles idées de faire tout le mal dont elles sont susceptibles.

M. l'orateur, je me réjouis, loin de me plaindre, de me trouver offensé de l'attaque de l'honorable membre contre la presse du pays<sup>200</sup> qui ne partage pas ses opinions extravagantes<sup>201</sup>. Cependant j'ai cru que je devais au pays et à la presse de la défendre aujourd'hui contre des attaques aussi sottes que souvent répétées. Voilà pourquoi j'ai profitai (sic) de cette occasion pour prendre la parole et exprimer ma pensée. J'aurai occasion, j'espère, de parler plus longuement une autre fois sur plusieurs sujets que je n'ai fait que toucher en passant.

L'honorable membre, quand il a parlé de la presse, a trouvé que sa rédaction était chétive. Cela ne suffisait pas; elle est déplorable à l'extrême; mais vous, M. l'orateur, vous pourriez nous dire quelle espèce de rédacteur aurait fait l'honorable membre pour le comté de St.-Maurice.<sup>202</sup> Puisqu'il a cru devoir attaquer chaque journaliste en particulier et juger son mérite littéraire, n'ai-je pas moi le droit de juger le sien?<sup>203</sup> Ses amendements obscurs nous le disent assez. Il n'est pas capable de mettre trois lignes de compréhensibles sur un papier. Aussi a-t-il toujours été obligé d'avoir des écrivains à son service, et aujourd'hui, on le sait, ceux qu'il emploie comme tels sont bien connus. Mais voici un spécimen de son habileté comme écrivain c'est son immense, son interminable requête<sup>204</sup> à Son Excellence,<sup>205</sup> pour le comité de colonisation des townships<sup>206</sup>. Cette requête était son oeuvre. Ce document était si obscur, si incompréhensible, la phraséologie en était si incorrecte et si entortillée qu'il a été impossible<sup>207</sup> avec toute la meilleure volonté au monde, de pouvoir la traduire en anglais.

C'est là un échantillon de sa capacité comme écrivain.<sup>208</sup> L'hon. député de St.-Maurice rédigeait bien quand vous, M. l'orateur, étiez son rédacteur; c'est vous qu'on appelait son bras droit, qui donniez une forme humaine à ses productions incomprises et du reflet à sa réputation. Il ne vous a plus aujourd'hui, et livré à lui-même, vous voyez ce qu'il peut faire. Pour le savoir, vous n'avez qu'à lire les amendements qui sont maintenant en débats. (On rit).

Ce qui m'étonne par-dessus toute chose, c'est qu'ayant été dans l'exil, pendant huit années, au contact constant des hommes les plus éminents, des écrivains les plus célèbres de la France, tels qu'Arago, Lamennais Louis Blanc et d'autres, il ne sache pas mieux, à son retour, la langue de ses pères. Je ne prétends pas une position comme écrivain, mais je lui dis sans prétensions et sans ostentation; je ne prétends pas à une position comme publiciste, mais si je travestissais, torturais sans miséricorde, la langue de mes pères, comme le fait l'hon. député de Saint-Maurice, je briserais ma plume et je renoncerais pour jamais au journalisme. (Très-bien).

Vous avez dû remarquer l'année dernière comme cette année, que la version anglaise des discours de l'hon. député, était bien différente de la version française des mêmes discours. La version anglaise est plus polie de forme, moins éloquente d'invectives et d'injurieuse récrémation. C'est ou pour atteindre un objet, ou parce qu'il ne sait pas assez cette langue pour y répandre avec la même effusion, la même énergie, la même brutalité, sa colère et sa vengeance. (Très-bien).<sup>209</sup>

MR. CHRISTIE made a few remarks respecting what Mr. Cauchon had been stating to the House. He said it was not right that the time of the House should be occupied so long by such trash<sup>210</sup>. ((He)) lectured the "young gentleman, the boy," who, thus presumed to attack a man, of the age and respectability of the honble. Member for St. Maurice.<sup>211</sup>

Earnest cries of order, order, from MR. CAUCHON.<sup>212</sup> Such a remark was not parliamentary.<sup>213</sup>

MR. CHRISTIE thought it as parliamentary as many of the remarks made by the hon. member himself.<sup>214</sup>

MR. DUCHESNAY said, that the hon. member should not have called the hon. member for Montmorency a "young gentleman."<sup>215</sup>

MR. MORIN, the SPEAKER (as we understood) decided that the words "young gentleman" were not according to parliamentary custom.<sup>216</sup>

MR. CHRISTIE would then admit that the hon. member was not a "young gentleman."<sup>217</sup> ((He)) had been induced to address the House, in consequence of some allusion to him as a ripper up of old grievances. If it was imagined that from the occasion of his expulsion from the Lower Canada Assembly, by the hon. Member for St. Maurice, he entertained angry feelings against him, or the voters on that occasion, he wished to correct that impression in toto. An accusation had been made against him of office hunting, which he denied, and he could ask the members on the other side, and the House generally, did they ever know of his asking or seeking for any place or office whatever<sup>218</sup> although the present Ministry had offered him one, which he did not accept.<sup>219</sup>

MR. AT. GEN. LAFONTAINE.--That is true.<sup>220</sup>

MR. CHRISTIE.--He was now advanced in years, and when he met a dirty little fellow,<sup>221</sup> he would not return the compliment<sup>222</sup>; he did not stop to throw dirt at him, but made his bow, and walked away in contempt.<sup>223</sup>

MR. CAUCHON rose to explain<sup>224</sup>. He had only spoken of the rumour about the Jesuits' estates, as a reproof to Mr. Christie for mentioning the slanderous report about Mr. Justice Aylwin.<sup>225</sup> This had somewhat excited his ill humour, and thus it was that he had expressed himself in the manner that he did.<sup>226</sup>

COL. GUGY.--Je crois avoir droit de faire quelques remarques sur ce que vient de dire l'honorable membre qui vient de s'asseoir, surtout après qu'il s'est permis à mon égard des remarques telles que celles qu'il s'est permises. Il est difficile de se refuser à parler, quand on est invité d'une manière si polie et si caractéristique de la part de celui qui vient de s'asseoir. ((M. Christie)) Je me permettrai donc de dire qu'en effet



je me suis permis dans une occasion passée des remarques peut-être trop sévères contre l'honorable membre pour le comté de St.-Maurice. Ces remarques étaient fondées sur un état de choses, que des événements récents m'ont convaincu être faux; sur les renseignements que le tems m'a prouvé être mensongers. C'est parce que j'étais convaincu de la fausseté des rapports qu'on m'avait fait, et sur lesquels étaient fondées mes remarques, que j'ai pris la première occasion qui s'est présentée à moi pour me rétracter, déclarer franchement que je pensais avoir eu tort; ma qualité de gentilhomme m'en faisait un devoir.

Il m'a été pénible, M. l'orateur, de voir un membre de cette Chambre <sup>227</sup> a man of the age and standing of the honorable member for St.Maurice<sup>228</sup> si brutalement attaqué par des personnes qui ont participé a toutes les offenses qu'on lui attribue, et qui pouvaient être elles-mêmes accusées de l'avoir outrepassé dans des écarts dont ils se repentent publiquement et sans honte aujourd'hui. Mais je ne suis pas appelé à faire l'éloge de l'honorable membre pour le comté de St.-Maurice<sup>229</sup> who had heretofore given his word not to attack persons of respectable position there, and of course he must in that class include the member for Montmorenci, (pointing to Mr. Cauchon) who, they were aware, carried his qualification of respectability in his pocket.<sup>230</sup> Il me suffira de me défendre moi-même contre les accusations mensongères qu'on est venu me jeter à la figure. Il me sera permis aussi de dire que, quand on veut faire la leçon à une assemblée comme celle-ci, on doit au moins user de bon goût. Il me semble que verser l'injure sur des personnes qui sont au moins les égaux de l'honorable membre pour Montmorency, est tout à fait hors de saison, tout à fait mal placé. Il aurait bien pu s'épargner de venir ici nous répéter toutes les sottises accusations au moyen desquelles certains journaux du pays veulent dominer l'opinion publique, en tenant la conduite la plus offensante à l'égard des hommes les plus respectables.<sup>231</sup> He denounced the system of terrorism, which he alleged existed on the part of certain members of the press, who attempted to rule the opinions of the entire people; he alluded to the honorable member for Montmorenci (so we understood him) as insulting--<sup>232</sup>

Strong cries of hear, hear, from MR. CAUCHON, and order.<sup>233</sup>

COL. GUGY.--L'honorable membre nous a voulu réjouir d'une espèce de petite comédie qu'il a bien voulu nous jouer, tout en suant sang et eau. Il est certain qu'il a ce talent à un degré remarquable. Il n'en donne jamais plus de preuve que quand il veut prendre le ton solennel; c'est alors qu'il est remarquable, et qu'il nous devient impossible de ne pas rire, tant il se donne de contorsions, tant sont laides ses grimaces. Il faut dire aussi qu'il y chez l'honorable membre, lorsqu'il s'emporte ainsi, quelque chose qui nous rappelle involontairement certains singes qui ont paru pour la première fois en France, pendant la révolution française. Il y a quelque chose dans sa figure qui me dit qu'il doit être le type fidèle de cet animal immonde. L'honorable membre est toujours le premier en place, toujours en avant, comme l'enfant du désert, qui sortant d'un repaire souterrain, voyant pour la première fois le soleil, et montant au milieu d'un champ, sur une souche élevée, se fait aller les mains et les pieds de droite et de gauche, gesticulant en tout sens et s' imagine pour cela que c'est lui qui a fait tout ce qui l'entoure, que c'est lui qui fait

mouvoir tous les objets créés; qu'il est le centre du monde vers lequel convergent tous les mouvements de la terre et des cieux; enfin il se croit le principe et la fin de toutes choses.<sup>234</sup> The honorable member had assumed great credit to himself for liberality, but he (Mr. G.) would just remind him, that this pretension often cloaked a goodly stock of hypocrisy and cunning, and the "petit bonhomme" might with all the gravity imaginable, take a leisurely survey of all around him, and give them the benefit of his learned cogitation.<sup>235</sup>

MR. CAUCHON here rose to order, and claimed the protection of the Chair, at the same time admitting that he should be sorry to attempt placing himself on a par with the honorable member for Sherbrooke.<sup>236</sup>

MR. MORIN, the SPEAKER requested Col. Gagy to moderate his tone, as it was, at any rate irrelevant, if not unparliamentary.<sup>237</sup>

COL. GUGY.—Je n'ai pas dépassé les bornes dans lesquelles je dois me tenir; mais supposé que je les eusse dépassé, est-ce que la nature n'a pas ses droits?<sup>238</sup> Am I not permitted, Mr. Speaker, to show some feeling, when I feel a dirty black fly<sup>239</sup>, toute petite, toute méprisable qu'elle soit,<sup>240</sup> alight upon my hand, and when I feel him try to inflict a trifling wound.<sup>241</sup> C'est une petite blessure, mais on la sent, et je crois qu'on doit avoir le droit<sup>242</sup> to brush off the atom with my finger?<sup>243</sup> Permettez-moi, M. l'orateur, de vous rappeler, en terminant, que l'honorable membre a proféré contre moi une de ces accusations graves, tellement graves qu'un homme qui a du sentiment, ne se permet d'en porter de semblables sans avoir la preuve certaine en main. Il m'a accusé d'avoir versé du sang canadien.<sup>244</sup> OR He was stated to have oppressed 200 French Canadians<sup>245</sup>. Eh! bien, si je voulais me permettre des paroles de la nature des siennes, je lui dirais du ton le plus sérieux et de la manière la plus offensante ce que je ne me permettrai pas de dire par égard pour cette Chambre.....je lui dirai simplement qu'il s'est grossièrement trompé. Je n'ai jamais versé de sang canadien. Mais je suis cause qu'il n'en n'a pas été versé autant qu'il en aurait été versé, si je ne fusse pas intervenu. J'en ai la preuve en main. Et je remercie l'honorable membre de me fournir ici l'occasion de me laver de cette accusation que l'on a déjà lancée contre moi. Je vois ici le témoin, je le touche du doigt (il met la main sur M. Davignon,) celui qui peut affirmer que dans toute occasion j'ai témoigné pour mes compatriotes canadiens, toute la sympathie, toute la générosité qu'il était possible d'attendre d'un chrétien pour d'autres chrétiens dans l'infortune.<sup>246</sup> He would say, and repeat, that his career through life had shown him guiltless of any thing like the preference of one origin to another. He could not account for such prejudices against him. He always, when surrounded by the angry feelings of contending races, tried to throw "oil upon the troubled waters."<sup>247</sup> Il y a plus de six cents familles qui doivent la liberté à l'honorable individu qui adresse la Chambre en ce moment. Il est aussi un autre fait que je défie qui que ce soit de démentir, c'est que je n'ai jamais fait un seul prisonnier politique. Pas une personne ne me doit la privation de sa liberté.

Si c'est nécessaire j'amènerai des témoins pour le prouver; j'amènerai des gens sans préventions qui jetteront le démenti à la face de ceux qui



font circuler de pareils bruits. Il peut se faire que des gens qui veulent conduire le pays, aient intérêt à faire circuler de pareils mensonges, mais je le répète, l'assertion que j'ai fait couler le sang canadien n'est pas fondée. Je puis prouver le contraire, et je suis prêt à le faire quand on le voudra. Déclarant ceci en présence de cette Chambre comme je le fais, je m'expose, si je ne puis le prouver, aux conséquences les plus graves, à être déshonoré et j'appelle l'infamie sur ma tête, si ce que je viens de dire n'est fondé. Eh bien! je déclare encore une fois qu'il n'est pas vrai que j'ai fait couler le sang canadien, et j'espère que cela suffira dorénavant pour me mettre à l'abri de semblables accusations. J'interpelle l'honorable membre de prouver ses avancés; s'il le peut, qu'il le fasse; qu'il m'écrase sous le poid (sic) de la honte, ou qu'il me soit permis d'être considéré comme innocent, d'être à l'abri d'accusations si injurieuses, qui pourraient ailleurs me porter à des conséquences les plus déplorables pour tous ceux qui respectent l'ordre, et pour moi-même plus que pour tout autre; pour moi, père de famille et d'un âge plus avancé que ce petit monsieur<sup>248</sup>, and had much more experience, he flattered himself, in public life than the young member from Montmorenci<sup>249</sup> qui croit tout écraser au moyen d'accusations graves qu'il a la bassesse de porter contre des hommes respectables<sup>250</sup>. He was surprised at the presumption of the latter, ...when that honorable individual knew he had not a particle of proof to back him.<sup>251</sup>

MR. INSP. GEN. HINCKS owed an apology to the House for thus late addressing them.<sup>252</sup> ((He)) did think the time of the House had been taken up in a strange manner in thus dwelling so long upon the address<sup>253</sup> ((and)) regretted to see hon. members thus opposing the address without, at the same time, substituting anything preferable. Why did they not do this rather than waste time in long and premature discussions of the details of measures yet unripe. A most unfounded assertion had gone the rounds, that Ministers sought to bind down the House, to carry out the Union Act to the letter.<sup>254</sup> He thought that some of the remarks made by the hon. member for St. Maurice were discourteous. That hon. member had also days that he saw no difference between the speech of the present session and the one of last year. This he thought strange, as the gentlemen on the other side of the House were unanimously opposed to it. This fact was surely sufficient to show that it was not the same. The hon. member had said that if they concurred in the first paragraph, they would be approving of the Act of Union; but he maintained that British subjects had privileges independent altogether of the Act of Union. The hon. member for St. Maurice had also spoken of the qualification of members, and in what he had said on this subject he perfectly concurred, as, he believed, did also his hon. colleague the Attorney General; but, because they thought so, were they to be told that because there was a property qualification clause in that Act, therefore the Address ought to be opposed. The hon. member for St. Maurice, had even said last night that he only knew two gentlemen in Lower Canada which that clause could affect. This, he thought, no great practical grievance. If, therefore, the property qualification had hurt no one, he did not think any one justified

in thus dwelling on it, neither did think the hon. member for St. Maurice justified in throwing blame upon the ministry for not getting the property qualification clause repealed; not did he think that he should thus, year after year, bring up the subject in that House. The same hon. gentleman had spoken at great length in condemnation of the speech, because no reference had been made to the revolutions which had lately taken place in Europe. This, he thought, was out of place. He had also been much surprised at what he had said respecting the aristocracy of Europe<sup>255</sup> being less powerful in the reign of William and Mary than it is at present. This was a mistake; it was true the democracy had more power, because the period was immediately succeeding a revolution, but notwithstanding the vast efforts which had been made by the whig aristocracy during the reign of George the third, the progress of democracy had gone on, and lately the people had received more power than ever they had at any previous period. It could not be denied, that in England, the real, sound public opinion of the people was able to effect any reform they desired. The honble. member for St. Maurice had next referred to the Act of Amnesty, and he felt sorry to hear the remarks which he had made on that subject. It was unfair for him to refer to the feelings and sufferings of the wives and children of the parties who had unfortunately placed themselves under the ban of the Government,<sup>256</sup> ((and)) had caused their families to feel the effects of the wrong doings of their natural protectors<sup>257</sup> as if the present Administration had done something wrong in the matter, or were responsible for what had occurred. When he (Mr. Hincks) was a member of the Administration before, he, as well as the Attorney General, had done all in their power to assist those parties, and he did not think it right that honble. members should censure them from what they had done now. Therefore, on the subject of the Amnesty, he thought it unfair for the honble. member for St. Maurice to ask for papers<sup>258</sup> relating to this subject<sup>259</sup> in the possession of the Ministry. Respecting the paragraph about the French language,<sup>260</sup> he should follow the example of a most hon. member in saying nothing<sup>261</sup>, as the measure seemed not to be found serious fault with. On the matter of the Post Office, the hon. member for Huron said that he did not think it right for the present Ministry to take the praise due to other people. No doubt, the commission respecting the post office had been the act of the late Administration, but the result of this commission recommended two rates of postage, while the plan recommended by the present Administration recommended only one, and when the subject came up the hon. member for Huron would have an opportunity of submitting his plan to the House, when honorable members would be able to decide which system was best. He did not however think that there was any honour due to the hon. member for if honour was due, at all it was certainly to Rowland Hill. Respecting the increase of the representation, he did not pretend too much Parliamentary experience, but he had read a good deal about it, and he had never heard of any one who took such a course as the hon. member for St. Maurice, supported by the hon. member for Gaspé. Were the present administration to blame for wishing to give an increase of the Parliamentary representatives. They were told that no petitions had been presented in favour of Electoral Reform, but if the people had confidence in their representatives they did not think it necessary to take the trouble of getting up petitions in this House<sup>262</sup>. Petitions implied a want of confidence in their representatives, who were presumed to know and urge the



interests of the represented.<sup>263</sup> After all that had been said on the question of representation, he must enter into it at some length--the subject seemed to him to be divided into two branches. The first question was, assuming, for the sake of argument that situated as the two Provinces are, it would be desirable to have an equal representation, whether under the Union Act Upper and Lower Canada are fairly represented in this house. Whether the present number of representatives was sufficient to represent the people of the Province. In their opinion, the people were not fairly represented under the Union Act, the present number of representatives was not sufficient, he presumed the hon. member for St. Maurice would agree with him in that. Then came the question how a change might be effected, so as to give each section of the Province a further representation. The hon. and learned member laid it down that population was the only basis on which the representation could be fairly placed and he made allusion to the State of New York as being under that system. There a number of representatives was fixed on, 128, and they were to be divided in proportion to the population. Suppose for a moment that this system was adopted in Canada. We then come to the question of proportion--he asserted and was prepared to maintain, by proof, that this ministerial scheme would be found to be based as fairly on population as the State of New York; and an infinitely fairer scheme than that advocated by the hon. member for Norfolk, who had quoted an act to the House, which provided that every county having 1,000 inhabitants should have one representative, and every County having 4,000 inhabitants should have two members. Was that what they called a fair system of representation based on population? Suppose the case of a County having 1,000 inhabitants, and another with 3,000--those two, according to the plan of the hon. member for Norfolk, would have the same number of representatives; and so with the State of New York, he could prove by statistics that the same unfairness prevailed. The County of Albany, with 53,000 inhabitants had 3 members; the County of Columbia, with 39,000 inhabitants, had likewise 3 members, and it was the same in other Counties. This was what was quoted as a perfect example of the system of representation based on population! He had taken these facts from official returns; there would be no such feature in the new ministerial bill. (Hear, hear.) Any great changes in the system of representation could not fail to be inconvenient to the country at large. The object of the framers of the measure had, therefore, been to adhere as much as possible to the existing electoral divisions.<sup>264</sup> They would avoid any great organic change in this respect.<sup>265</sup> Any other course would cause the greatest inconvenience. Where they found a large county like Middlesex with 50,000 inhabitants sending one Member, and a small county with 2,000 sending one also, there was a case of grievance, and it was these grievances they were trying to redress; to base the system of representation on population as far as it could be done conveniently. (Hear.) Then came the question as to the difference between Upper and Lower Canada. Gentlemen on the opposite side had referred to the speech of the Hon. Member who moved the Address, as if Members from Upper Canada would be afraid to endure some of the expressions he had made use of. He (Mr. Hincks) was happy to think that there was no difference of opinion between the Upper and the Lower Canadian members of the Administration. Attempts had been made in the course of this debate, both from the Opposition and from the side of the House, to sow dissension and jealousy amongst

members of the Ministry and to prevent their acting cordially together, but he felt satisfied there would be no misunderstanding amongst them. He had listened very attentively to what fell from the Hon. Member for Leinster, and he was happy to say he could subscribe to every word of it. Mr. Hincks then referred to the Senate of the United States, in which the small States with no more than a hundred thousand inhabitants had an equal voice on all questions affecting the public weal with the great State of New York. He thought that was conclusive as far as showing that the system was not, as stated by the Hon. Member for St. Maurice, fairly carried out in the United States. With regard to the arrangement of the representation between the two sections of the Province, it must be borne in mind that the great majority of the people in one section were of a different race from the people of the other, having different laws, manners and language. Now he felt that it would, indeed, be a most unfortunate state of things if it should ever happen that either of those sections should be placed in such a position that they should legislate for the other. Such a state of things could not arrive under the present system—for so long as the Lower Canadians had a fair and equal portion of representatives in the House they would have it in their power to prevent any legislation hostile to their institutions, although he felt sure that they had no reason to fear that the Upper Canadian members would, under any circumstances, think of any such aggression. It must be remembered that, before very long, Upper Canada would be far more densely populated than Lower Canada, and did he understand the hon. member for St. Maurice seriously to say that he would desire to see his views carried out, and a system of representation adopted under which Upper Canada would, in a few years, have a large majority of representatives, over Lower Canada, in this House? He could not believe that that was the hon. member's object—it was not his object, he had avowed on the floor of this House that he sought this reform in order to dissolve the Union. It was a means to an end, he desired to throw everything into confusion.—(Hear, hear.) He (Mr. H.) did not know if the hon. member had thought seriously on the difficulties involved in the subject, for himself he had done so, and he was morally certain that the Union between the two sections of the Province could never be dissolved, but by a separation from Great Britain.—(Loud cries of hear, hear.) When that separation took place, they might perhaps be dissolved to become independent States of the American Federation; whether such a measure would be for the benefit of the French Canadians; whether it was their interest to have all their revenue sent off to Washington, and all the expenses of their Government paid by direct taxation, were questions he would leave the hon. member for St. Maurice to answer. (Hear, hear.) He believed there was no section of the country with a greater aversion to direct taxation than this. (Hear, hear.)<sup>266</sup> This result would, however, be inseparable from the success of the amendment.<sup>267</sup> If they wished to dissolve the union, and to become a State of the American Federation, they must support the system recommended in the amendment now before the House. (Hear, hear.) There was, after all no practical difficulty; under the present system there was no reason to change the principle, it was an equitable principle, or perfectly fair to both sections of the Province. Like his hon. friend the Attorney



General East, he would never consent to allow Upper Canada to have a majority in that House, even when the time should arrive when its population should exceed that of Lower Canada; for it was wrong that the inhabitants of one section of the Province should be made to feel that they were exposed to the tyranny of the majority. (Hear, hear.) There was no agitation in favour of a repeal of the Union in Upper Canada.<sup>268</sup>

SIR A. MACNAB made some remarks, which we were unable to catch.<sup>269</sup>

MR. INSP. GEN. HINCKS ((continued:)) It was quite possible the hon. and gallant Knight was now in favour of it. He had only to join the hon. member for Saint Maurice, and there was no knowing what such a combination might effect.<sup>270</sup> (Hear, hear, and laughter.)<sup>271</sup> But he was justified in asserting that there had been no desire shown for a repeal of the union on the part of Upper Canada; the honorable member would therefore have to agitate the subject, for many years before he could even hope to carry it into effect, and by the end of that time, instead of Lower Canada having a majority of some few thousands in population, Upper Canada would have the majority--(hear, hear.) Mr. Hincks then referred to the School Act, which had been alluded to by the hon. member for Stanstead: the Ministry did not pretend that that act was by any means perfect. All they desired was to affirm the principle that the people should tax themselves for education purposes. They were prepared to amend the working of the Act, in which they hoped to have the assistance of the hon. member for Stanstead. The hon. member for Huron had referred with a sneer to the paragraph of the address relative to the Quebec and Halifax Railway, and had said what a ridiculous thing it was to be talking about constructing a railway at a time when there was no money and the Province was on the verge of bankruptcy. He (Mr. H.) did not believe that there was a single member on the floor of the House who would imagine that the ministry had ever dreamt of attempting to construct a railroad from Quebec to Halifax on the credit of the Province--they merely expressed gratification that the commission sent out by the Home Government had reported so favourably of the enterprise. He thought it probable the railroad might be constructed by means of funds raised by the Imperial Government--(hear, hear)--and upon terms that he believed would be highly satisfactory to every member of the House. This enterprize might appear chimerical to some members--it had appeared so to him before he read the report of the commissioners; but now he believed it would be carried out, and pay well. (Hear, hear.) The next question had reference to the public accounts, and on this subject remarks had been made by the hon. members from Huron, Gaspé and Sherbrooke. The hon. member for Sherbrooke commenced by saying that his (Mr. Hincks') first act was to endeavour to disparage the credit of the Province. When the proper time arrived, he should be prepared to vindicate his conduct on that occasion; but he disclaimed for himself and for his colleagues that they had ever, at any time, whether in office or in opposition, attempted to injure the credit of the Province. He wished their political opponents could say as much. The hon. gentleman might learn a lesson from Great Britain and the neighbouring Republic. There, political feelings were set aside when the credit of the country was concerned, and party feelings were never suffered to interfere with the interest of the country. Since the present administration had been in office, their opponents had done

all in their power to injure the credit of the Province. His hon. friend, the member for Montreal, had recently been in England, and knew how much injury had been done there, and he had shown a letter to him (Mr. H.) from England calling attention to a recent article in the Morning Chronicle, on Canadian affairs, containing the most infamous falsehoods, about the number of Debentures<sup>272</sup> representing the amount in circulation to be £200,000, whereas they really did not exceed £90,000, and showing moreover, the attempts of the opposite party to do that with which they now unjustly charged him and his colleagues.<sup>273</sup> It had been asserted by the gentlemen who had risen from the opposition benches in the course of this debate, that the Province was in a state of bankruptcy and ruin. The hon. member for St. Maurice had ridiculed the idea of a sinking fund; he could tell that hon. gent, that from the time of the Union down to the present period, the saving out of the Revenue over the expenditure, after paying the interest of the debt, would have enabled £500,000 to be put into a sinking fund. Were we to be told that a country in such a state as that was bankrupt, a beggared Province? Was it because having engaged in the construction of<sup>274</sup> necessary public works, then in progress, and commenced by their predecessors<sup>275</sup>, they had been unable to procure loans to go on with them, and were comparatively embarrassed that the Province was in a state of bankruptcy? It was most unfair, and a course the ministry had never pursued when in opposition. (Hear, hear.) Then he had been taunted about the Customs' Revenue, which was one main branch of our revenue; but if there had been any deficiency in the Department, caused by the Customs' Act, the fault was not his but his predecessors. He did not accuse the hon. member for Huron of having caused the short coming of the Customs' Revenue; but if it was caused by the Customs' Act, that Act was framed by the late Administration, not the present. (Hear, hear.) The short importations of the past season, affecting the revenue, was not to be charged to the fault of the ministry, it was owing to the prevalent commercial depression and other causes beyond their controul. With regard to the stability of the credit of the Province, although there might have been some temporary embarrassment owing to the decrease of the Custom's Revenue and other causes, the issue of Debentures would not have been necessary had it not been for the inability of the Government to obtain a loan to fulfil the contracts for public works entered into by their predecessors. They were in advance of the Board of Works entered into by their predecessors. They were in advance of the Board of Works Account some £150,000 which led to temporary embarrassment which he hoped would be removed during the present Session. Mr. H. then alluded briefly to the paragraphs of the Address, relating to the Navigation Laws, the completion of the St. Lawrence Canals, and the proposed amendment of the Emigration Act of last Session, replying to the observation of Mr. Cayley on the preceeding (sic) evening.<sup>276</sup>

SIR. A. MACNAB said he must express his regret that the manner in which the debate had been conducted by members on his side of the House, had not met with the approbation of the hon. members opposite. He was sorry that it had not, but if they had told them how they would have liked it to be carried on, they would have tried to please the hon. members. (Ironical cheers.) He did not intend to have spoken on the Address, because he was far from being well, and could hardly stand up or walk without some exertion,



but the hon. members opposite had invited the members on his side to speak. He did not think, however,<sup>277</sup> he should have been at all guilty of a dereliction of duty if he had permitted this Address to pass without offering one single remark upon it or moving an amendment. He should not have been pledged to one single paragraph of that Address. It was the exception to the general rule in England, to move an amendment,--it was seldom done<sup>278</sup> unless there was some great principle involved in the address; and, in England, the party opposed to the Address, generally contented themselves with voting against it.<sup>279</sup> He believed no amendment had been moved from that side of the House; there had been a great deal of difference between the gentlemen on the other side of the House, and it was not for them to interfere: they seemed to have got up a pretty quarrel amongst themselves. (Loud cries of hear, hear.) The hon. member for Oxford had said that he had no doubt that a combination might be got up between himself (Sir Allan) and the hon. member for St. Maurice. He understood the hon. member for Oxford well, that gentleman thought that the course with the hon. member for St. Maurice had pursued during a period to which it was necessary to refer, might perhaps not suit the views of his (Sir Allan's) constituents, and he therefore intended to damage him in their estimation by this kind of insinuation.<sup>280</sup> But he did not think that it would have any such effect. He would just as soon act with the hon. member for St. Maurice as with the hon. member for Oxford and<sup>281</sup> he felt that so far as his constituents were concerned<sup>282</sup>, the hon. member for St. Maurice would not suffer in a comparison between him and the hon. member for Oxford. (Hear, hear, and laughter.) He thought it was on the second day of the Session<sup>283</sup> he gave notice of an address to His Excellency the Governor General asking for copies of the correspondence alluded to in the Speech on the subject of certain restrictions upon our commerce. An hon. member of the Administration stood up in his place and said the correspondence should be given. That address had never yet been answered, the hon. member for Oxford was well aware that he (Sir Allan) wanted the information before voting on this question why then had not the information been laid before the House?<sup>284</sup>

MR. INSP. GEN. HINCKS said it was not promised until after the Address.<sup>285</sup> It is not usual to answer Addresses until the Speech from the Throne has been replied to.<sup>286</sup>

SIR A. MACNAB ... was prepared to show that it was usual at the time he moved the Address asking for the information.<sup>287</sup> But he did not do so, because<sup>288</sup> a Minister of the Crown speaking for his colleagues promised the information, a promise which up to this hour had not been redeemed.<sup>289</sup> The hon. member for Oxford appeared, however, to be keeping it in his pocket just as he did the Customs Bill in Upper Canada. (Laughter.)<sup>290</sup> He must have some object in withholding this information and breaking his word. It was treating the House badly; it was treating the country badly.<sup>291</sup>

MR. INSP. GEN. HINCKS rose to explain. He had never understood the honorable and gallant Knight to mean that he wanted this information before the Address was taken into consideration, or he should never have promised it. He had always understood although he must of course bow to the superior Parliamentary knowledge of the gallant knight, that it was not customary to answer any Address to the Throne until the Speech was answered.<sup>292</sup>

SIR A. MACNAB said his language had been plain enough; there could have been no misunderstanding.<sup>293</sup> ((He)) was afraid that the memory of the hon. member failed him, and would be happy to believe that he (Sir Allan) had been mistaken, but he would ask hon. members if he was not right.<sup>294</sup>

Cries of yes, yes.<sup>295</sup>

MR. INSP. GEN. HINCKS said that there never was a word said about obtaining the information before the Speech was answered. He never knew that they wanted it before the Address was answered. He did not think they needed it, because the subject was to come up before them fully in a day or two, in another shape.<sup>296</sup>

MR. SHERWOOD said they were told the Address might be sent up, and that they would get the papers entire to discuss the reply.<sup>297</sup>

MR. AT. GEN. BALDWIN never understood so, if he knew that that had been the subject of the address, he would have opposed it.<sup>298</sup>

SIR A. MACNAB put it to the House whether they had been well used by the members opposite.<sup>299</sup>

Cries from the ministerial benches of, there has been a misunderstanding.<sup>300</sup>

SIR A. MACNAB.--He could not see it. But with regard to the Speech, he did not wish to have a word about it, but now that he was up, he would make a few remarks upon it, but would only take up such parts of it as he thought proper.<sup>301</sup> The correspondence relative to the proposed amnesty had also been withheld, although had it been of a nature to be serviceable to the Ministry, they would have been only too happy to have brought it down to the House. He (Sir Allan) was just as ready to forgive as the hon. gentlemen opposite; he did not see any reason why Mr. McKenzie ought not to be permitted to return, but he did not agree with the hon. gentlemen that it would be a matter of such great gratification in Upper Canada that he should return. He did not see why he should be kept out of the country now. He was leader of the party in Upper Canada to which the present Ministry belonged. The Attorney and Inspector General were his friends and followers. Mr. McKenzie was imprudent, but he (Sir Allan) knew of a certain occasion on which he showed no want of courage, and was quite prepared to maintain the principles he had advocated.<sup>302</sup> He did not know what they wanted him back for, unless that having acquired experience in Customs matters in another country, they wanted him to assist the Hon. Inspector General in his office, or if there was no vacancy in the office of that hon. member, he did not know but that they might appoint him to the Collectorship at Quebec.<sup>303</sup> He (Sir Allan) knew no reason why Mr. McKenzie should not return; but it struck him that if that correspondence were laid before the House, it would be found that there were no persons in this country who did not wish him to return, and would willingly keep him out.<sup>304</sup>

From the Ministerial Bench, no such thing.<sup>305</sup>

SIR A. MACNAB.--Well he (Sir Allan) did not know that. He remembered some very strange things which happened at the time that the city of Toronto



was on fire at both ends, and when some people that he knew stood shivering in their shorts. He knew that Mr. McKenzie had been guilty of highway robbery; but what of that? He knew that he had robbed the mail, but that was no great matter. (Loud laughter.) He knew that he had been guilty of murder; that he had murdered Colonel Moodie. But that, with some people, was no great matter. (Great sensation.) He knew that he had been guilty of arson; but that also was no matter. He knew that McKenzie, Gibson, and some other persons set fire to both ends of Toronto, but that was, of course nothing. He did not object to the return of McKenzie, when other persons as bad as he had been were allowed to come back, but he must say that he did not like to see persons of that description appointed to office the moment they came back, as Mr. Morin, Harbour Master of Montreal had been. There were other persons who had not been declared guilty of treason, and sentenced to death, applicants for that office; there were several applicants for the office to which Morin was appointed, and one of the applicants was Capt. Richardson the owner of three steamboats on the Lakes in Upper Canada, a man who had rendered great services to the Government, and had received the thanks of the Queen for his zeal, and a man well fitted for the office. But the hon. gentlemen preferred giving the situation to a pardoned traitor, who had just returned. Had they no other men in the country but such persons whom they could appoint to office? --Was it not an insult to the men who had helped to drive them out of the country? Then there was Gibson, the person in command of the prisoners taken by the insurgents at the time Col. Moodie was killed, and for whose death he considered him responsible, and he had been appointed to an office. The hon. members opposite did not appear to think such persons were in the least culpable; he (Sir Allan) did not speak of Lower Canada, but with regard to his own section of the Province.<sup>306</sup>

Hear, hear, from a French member.<sup>307</sup>

SIR A. MACNAB. Well, if hon. gentlemen particularly desired it, he would speak of Lower Canada. But he thought it was rather hard, that the loyal people who had received the thanks of Her Majesty, for their services in protecting the country, should be slighted for such--they were told, however, that it was done with the approval of Downing Street, but he cared little for the approval of Downing Street. (Hear, hear.) Downing Street appeared to approve of many things.<sup>308</sup> He (Sir Allan) had been a public man for some years. He could recollect Lord Seaton, the course he pursued in this country; he could recollect that his conduct was approved of,<sup>309</sup> by the people of Downing Street, and their making him a peer, and giving his family £2000 a year for two generations; and the conduct of Sir F.B. Head, who pursued no policy at all, his conduct was also approved of; Sir Charles Bagot too, his conduct was approved of, but he could not say any thing as to his reward; and there was Sir Charles Metcalf, and his conduct was approved of in Downing Street, and it was also approved by the people of this country, (hear, hear;) yea, it would be approved of by gentlemen opposite yet,--hear, hear, and laughter,--and he had no doubt that the monument to Lord Metcalf would be raised, within three years, by the aid of the hon. members opposite--Hear, hear, and laughter.<sup>310</sup>

MR. CAMERON.--His friends cannot build one that's clear, laughter.<sup>311</sup>

SIR A. MACNAB ((continued:)) There was also Lord Dalhousie, and he had been rewarded by being appointed to one of the most honorable offices in the gift of the Crown, Governor General of India; and there was Lord Gosford, who had not read his speech in French;<sup>312</sup> OR who used to read his speech in French;<sup>313</sup> and had been rewarded with what he,--Sir A.-- did not know. Everyone of the Governors had been rewarded, save His Excellency who had read his speech in French,--laughter,--and knowing all this, he cared little for the approval of Downing Street.<sup>314</sup> He (Sir Allan) did not object to the reading of the Speech in French, but he thought the French members ought to be satisfied to have it read after it had been first delivered in English and not grumble because precedence was not given to the French language in ((a)) British Colony<sup>315</sup>. The hon. member proceeded to complain of the delay which had taken place in calling Parliament. It was stated, in the speech from the throne, when they were prorogued, that it would meet at an early period, but he was not deceived by that. He remembered a former case, when they said the same thing, when last in power, yet did not call the house together till the very last day of the 12 months. They spoke of increasing the representation; he did not know whether they intended to do so before they appealed to the country, but they ought to do so, as there was no such thing mooted at the time of the last elections, and the people should have an opportunity of expressing their sentiments about it. He thought that the observations of the member for St.Maurice upon it very correct.<sup>316</sup> Respecting the Union, they had got on pretty well before, and he did not think that they had anything to fear now. He had not intended to address the House, neither was he aware that any gentlemen on his side of the House contemplated moving an amendment; but he wished to offer a few remarks on those points which he thought deserved notice. Before concluding, he might make an observation or two respecting a militia appointment in the county of Oxford. The hon. gentleman (Inspector General Hincks) had been in correspondence with a gentleman for the purpose of getting some other parties to recommend persons for appointments, for the purpose of throwing the onus from his shoulders. No doubt the appointment of Van Norman<sup>317</sup> as Lieut. Col. of Militia<sup>318</sup> was a very proper one; but he could not forget that<sup>319</sup> Mr. Van Norman had come to the country in 1822, and had constantly refused to be enrolled even as a private, on the ground that he was an alien. He was now made a Lieut. Col. although he denied himself being a British subject.<sup>320</sup> But was it right to place this man over the heads of such as Col. Deedes and some others, who had been the first to do the duty which had been required of them?<sup>321</sup> He could tell the house a few more secrets about tampering with the Militia. He could tell them that a certain party had endeavoured to procure the appointment of his friends to commissions, who were not entitled to them--a backstairs process not very creditable.<sup>322</sup>

MR. INSP. GEN. HINCKS wanted to know if the hon. and gallant knight wished an answer to his question.<sup>323</sup>

SIR A. MACNAB.--Yes.<sup>324</sup>

MR. INSP. GEN. HINCKS might state, in explanation, that the hon. and gallant knight seemed to have referred to a private and confidential letter of which he had kept no copy; but he would call on the gallant knight to



produce it if he could as he felt sure it could not contain any thing to warrant the construction which the hon. member had put upon it. He thought the course adopted unconstitutional; and, although he had nothing to fear, he would call on the gallant knight to produce the letter.<sup>325</sup>

SIR A. MACNAB.--Ah, then there is a letter on the subject. I said nothing about a letter, but the hon. gentleman states that there is one. Well then, if in that letter it is stated that "the matter is all agreed upon, between the Governor, the Adjutant-General and myself, and all that is required is your recommendation," he maintained that such a course on official subjects was grossly incorrect.<sup>326</sup>

MR. INSP. GEN. HINCKS again started up, and made some ... remarks on the point, and asked for the letter.<sup>327</sup>

SIR A. MACNAB replied that the hon. member ought to keep cool, that he (Sir Allan) had no letter of him, but that if he (Mr. H.) had any to produce, he had better do it himself. He (Sir Allan) had not got them, or he would have had much pleasure in producing them. But the hon. member had admitted all he (Sir A.) wanted to know.--(Laughter.)<sup>328</sup>

MR. INSP. GEN. HINCKS had written a letter to Col. Whitehead, who was a political opponent; he recollected no other, and he felt satisfied there was nothing of the nature referred to in its contents.<sup>329</sup>

SIR A. MACNAB said that that might be. It was hard to make him ashamed sometimes--He (Sir Allan) had not said a word about the letters, and did not intend to do so, but the hon. gentleman, had risen and admitted that such was the case; and he (Sir A.) had been told by gentlemen upon whose word he could depend, that there were letters written to certain persons wishing them to recommend a person of the name of Malcolm to be appointed a Lieutenant Colonel of Militia.<sup>330</sup>

MR. INSP. GEN. HINCKS.--It is not true.--(Hear, hear.)<sup>331</sup>

SIR A. MACNAB must receive the contradiction as true, but he would have the honorable gentleman to think a little; he was afraid his memory was at fault.<sup>332</sup> (Hear, and laughter.)<sup>333</sup>

MR. INSP. GEN. HINCKS.--No, no.<sup>334</sup>

SIR A. MACNAB.--There was some "Malcolm" whom they wished to make Lieutenant Colonel, and he believed he was the same man for whose apprehension the Government of the day had offered a reward of £200.<sup>335</sup> And he (Sir A.) had letters in his possession from the Privates (sic) in the Militia who had apprehended him.<sup>336</sup> And although he never yet claimed the reward, he thought now that the Government were about to confer upon him a Lieutenant Colonelcy, they would not refuse to pay the reward due for his apprehension. This he was prepared to prove if a Committee was granted to him to investigate the matter.<sup>337</sup>

Hear, hear; and a voice, these are facts.<sup>338</sup>

MR. INSP. GEN. HINCKS said, these were not facts.<sup>339</sup>

SIR A. MACNAB.--Was not such conduct very disgraceful to the country, and to the Militia?<sup>340</sup> To take a man from the ranks and place him over the

heads of gentlemen who had risen by their own ability. He had said they had raised him from the ranks, but it was even worse than this, for he had just been told by an hon. friend that he never had been in the ranks at all.<sup>341</sup> He (Sir A.) was at a loss to comprehend a course of policy which, while proscribing the loyal subjects of the Crown, and leaving them to pine in obscurity and neglect, at the same time elevated the traitors and the disloyal to places of honour and trust. This course was directly opposed to, and at variance with, that which the people of this country had hitherto been taught to consider their bounden duty, as faithful subjects of their most gracious sovereign. Let the hon. gentleman at once advise His Excellency to declare that the leaders of the late Rebellion, and their aidors and abettors who were convicted and transported for the same, were not criminal in their acts, then and in that case the loyal subjects of the Crown in this Colony would understand their true position, and his Excellency would be relieved of the apparent necessity and impolicy of appointing to office, those whom the law, in its wisdom and justice, had pronounced traitors and rebels, and of treating with contumely and neglect those gallant and faithful men whom our Royal Mistress had been pleased to honor with the expression of her most gracious approbation. (Hear, hear.)<sup>342</sup>

MR. AT. GEN. LAFONTAINE said he was pleased to hear the hon. member for Hamilton say that the events which were passed should be forgot and forgiven, and the expression of that opinion he thought the hon. member serious. He was, however, a little disappointed when he heard the hon. member call Mr. Morin a "traitor". He recollected that when it was in the power of the gallant Knight to make an appointment.--<sup>343</sup>

SIR A. MACNAB said, he had no appointment to make.<sup>344</sup>

MR. AT. GEN. LAFONTAINE remembered when it was recommended by a committee of that House, that three additional clerks were to be appointed for the purpose of translating documents belonging to the House, there were three persons whom the committee would have appointed, because they had large families, dependent on them for their support; but it was stated that such appointments belonged to the Speaker of the House, therefore, the committee did not appoint them, although they expected that the parties, or, at least, one of the three, whom they had fixed upon would receive the appointment. The Speaker, however, appointed others, and one of the three appointed, if not a traitor, had been condemned to death, but was pardoned. (Hear, hear.)<sup>345</sup>

SIR A. MACNAB had never heard of that before. He was not aware that such had been the case, and would have been obliged to the hon. Attorney General, if he had told him of the fact at the time. The fact was that he told the Clerk of the House to select such persons as he conceived to be best qualified to fulfil the duties of the office, as he held the clerk responsible for. The names were presented to him, and he signed the required document. He knew nothing about the facts at all.<sup>346</sup>

MR. AT. GEN. LAFONTAINE said, that although the late ministry had made objectionable appointments, the gallant knight should not censure the appointments of the present administration. They had never appointed insane persons to office.<sup>347</sup>



SIR A. MACNAB was not responsible for the acts of the late administration.<sup>348</sup>

MR. ARMSTRONG stated that Captain Morin's appointment resulted from a recommendation from the Trinity House<sup>349</sup> OR the Montreal Board of Trade<sup>350</sup> and from the recommendation of Captain Rayside, the late Harbor Master<sup>351</sup> himself<sup>352</sup>, whom Mr. Morin had acted for during the former's sickness.<sup>353</sup>

M. PAPINEAU.--L'honorable inspecteur-général, reconnaissant combien faible et insuffisante a été sa défense et celle du procureur-général pour le Bas-Canada, alors aujourd'hui ils viennent applaudir à cet acte de réunion qu'ils ont si souvent condamné en Chambre et hors de Chambre, sur les hustings, dans la conversation de vive voix, aussi bien que par écrit, revient à la charge et prétend trouver louables, et leur versatilité et les dispositions d'une loi de colère et d'iniquité, qu'ils ont censurée, alors que cette censure devait leur donner de la popularité et les faire monter au pouvoir; et depuis lors, ils proclament les louanges de cette même loi. Ils n'ont point été scrupuleux sur les moyens à employer pour monter à ce pouvoir; ils ne le seront pas davantage dans leur ténacité à le garder. Ils ne conviendront pas qu'ils jouent un rôle humiliant, quoiqu'ils soient en contradiction permanente, forcée, inévitable avec tous les antécédents de leur vie politique antérieure, aussi bien dans un passé éloigné, que dans ce passé si rapproché de la veille des dernières élections. La défense entendue en ce moment met en relief, et d'une manière de plus en plus saillante, le malheur et le ridicule de leur fausse position. Ainsi il faut bien le démontrer, puisqu'ils ne confessent pas leur erreur.

L'honorable inspecteur-général commence par nous assurer qu'il sait que des efforts on été faits, tant en Angleterre qu'en Canada, pour accréditer l'opinion que les deux procureurs-généraux, siégeant aujourd'hui dans le cabinet, avaient mis obstacle à ce qu'une amnistie générale ait été accordée plus tôt. "J'affirme, dit-il, que dès le premier instant où ils ont accepté le pouvoir, ils se sont occupés de ce soin, et ont eu la volonté constante de le faire octroyer aussi vite que les circonstances pourraient le permettre." Il ajoute qu'il est injuste et illibéral de ma part, d'insinuer qu'ils ont été coupables de duplicité en s'attribuant le mérite de proposer aujourd'hui une amnistie, à laquelle ils se sont opposés dans d'autres temps. Je réponds, qu'avant cette déclaration de l'inspecteur-général, je n'ai jamais entendu dire qu'un tel reproche ait été adressé aux procureurs-généraux; et je ne crois ni de leur part, ni de celle d'aucun homme digne du plus léger degré d'estime, que l'on puisse avoir la volonté, de retarder d'une heure après la cessation du danger, une amnistie à la suite de troubles politiques.

Or, tout danger avait cessé, avant qu'ils aient été appelés au ministère, l'Angleterre sur ses gardes, le pays fortement garnisonné, la vengeance exercée au centuple de ce qu'avait été l'offense... Certes, non, je ne connais pas d'homme assez méprisable pour qu'on osât le soupçonner de mettre obstacle sous de telles circonstances à l'octroi d'une amnistie. Il eût été plus noble et plus judicieux de ne pas accepter le pouvoir, si l'on ne pouvait pas obtenir cet acte de justice; mais s'y opposer eût été trop monstrueux et détestable pour l'attribuer à qui que ce soit; trop monstrueux et détestable pour ne pas accuser amèrement et sans détour quiconque se serait rendu coupable d'une pareille cruauté. Je n'ai donc

rien insinué à cet égard. Insinuation!....je ne me la permettrai jamais, et j'appellerai cela du machiavelisme, de la diplomatie ministérielle, de l'intrigue de cabinet; tout ce qu'il y a de plus mesquin et de plus méprisable en politique. Quelque fort, quelque puissant, quelque vindicatif que puisse être un cabinet prétendu libéral, et qui s'est fait terroriste; qui a fait crier bien haut par sa presse et par une foule d'affidés: Taisez-vous, ou craignez l'échafaud; je ne suis pas encore assez assoupli pour n'oser faire que des insinuations contre les ministres pris collectivement ou séparément. Je trouve que j'ai déjà porté contre eux assez d'accusations fortes et directes, pour pouvoir le faire encore ouvertement sans insinuation, sans écumer des rumeurs hazardées quand il y a tant d'actes patents qui les condamnent. Maintenant, je dis que le prétendu gouvernement responsable qu'ils font fonctionner n'existe nullement, mais que l'on voit chez eux, comme l'on a vu chez leurs adversaires, comme l'on verra chez quiconque se chargera de portefeuilles sans conditions, sous le gouvernement corrupteur qu'a organisé Lord Sydenham, des despotes arrogants et arbitraires qui ne comprennent pas et ne respectent pas les privilèges de cette Chambre, non plus que les droits du peuple qu'elle représente. Les ministres ne comprenaient pas le gouvernement constitutionnel, alors qu'ils se formaient en cabinet sans s'être expliqués ni entre eux, ni avec cette Chambre sur ce que seraient quelques unes des principales mesures ministérielles. Ils ne le comprenaient pas plus aujourd'hui qu'ils gardent encore le poste où ils sont montés sans replir les fallacieuses promesses qu'ils faisaient au peuple du Bas-Canada sur les hustings, promesses que leurs alliés du Haut-Canada, à la remorque desquels ils sont traînés, ne veulent pas leur laisser accomplir. Ils ne le comprenaient pas encore quand ils ont refusé ces jours derniers communication de documents publics que cette Chambre a le droit d'examiner; quand leur refus est un acte d'ignorance et d'insolence, puisqu'il est un caprice qu'on ne motive même pas. Certes, alors qu'une mesure, liée à l'intérêt public, n'est pas terminée, alors qu'elle n'est qu'en voie de progrès, je conçois que l'on puisse avoir des motifs rationnels de ne pas communiquer les pièces de la discussion, de crainte de retarder par là la solution des questions débattues. Mais alors, dans ce cas même, le ministère dans tout gouvernement constitutionnel ne répondrait pas par un brusque et déplacé: nous ne voulons pas, comme on l'a fait à cette Chambre. Il dirait au contraire: "Nous affirmons sur l'honneur et sur notre responsabilité, que nous ne pourrions donner aujourd'hui la communication demandée, qu'au détriment de l'intérêt public. Ils n'ont pas fait une semblable déclaration, et la Chambre dévore l'humiliation d'un juste refus; et pourquoi cela;...parce que nous n'avons qu'une caricature du gouvernement responsable. Que les honorables membres soient donc francs et vrais. Qu'ils nous disent avec ingénuité, avec candeur: "Si nous vous donnons un refus sans l'appuyer d'aucune raison acceptable, vû que nous n'en avons pas, c'est que nous voulons prolonger l'illusion dans laquelle est tombé le pays de croire qu'il possède un gouvernement responsable. Mais comme il ne l'a pas, voilà pourquoi nous vous refusons. Nous vous refusons sans motifs, parce que nous ne savons pas si cette communication serait agréable ou non à Downing Street, seule autorité légitime de laquelle nous relevions et dépendions. De même que nous nous abaissons sous toutes les autorités coloniales, nous nous



inclinerous nous-mêmes dans tout et toujours, devant quelque désir que ce soit, exprimé ou seulement soupçonné du secrétaire des colonies. C'est là la doctrine, c'est là notre gouvernement responsable.

Le procureur-général du Canada Ouest a déclaré qu'il était outrecuidant de demander la correspondance relative à l'amnistie; qu'autant vaudrait demander la correspondance du gouverneur avec le bureau colonial. Bon Dieu! dans un gouvernement colonial, s'il est honnête, de réels secrets d'état doivent être infiniment rares et minces, et la publicité serait le moyen de mettre fin aux mesquines intrigues que l'on met en jeu sur ce sujet. Le mystère dans lequel se sont trop souvent enveloppés les gouverneurs, a-t-il jamais tourné à leur honneur ou à l'avantage des Canadas. Jamais! Après leur refus formel de donner aux Chambres en Canada des communications qu'il eut été prudent et constitutionnel de leur donner, elles ont souvent été produites quelques semaines plus tard devant la Chambre des Communes d'Angleterre, et cela sur la demande de n'importe lequel de ses membres. Au lieu de les recevoir directement, elles ne l'étaient que par les gazettes. De même, avant qu'il s'écoule un mois, le secret actuel sera connu du peuple entier du pays, comme il l'est aujourd'hui par les ministres, dont le refus aura le résultat de les rendre de plus en plus altiers vis-à-vis cette Chambre, et peu-à-peu odieux au pays.

L'hon. inspecteur-général a dit ensuite en son nom et en celui du cabinet, qu'il ne comprend pas une marche aussi extraordinaire que celle d'une opposition formelle à voter la réponse qu'il propose à un discours aussi ingénu que celui de l'ouverture de la session; que l'on pouvait la voter en entier sans être engagé pour cela à soutenir aucune des mesures ministérielles; et que ce discours ne contenait que de bien innocentes généralités.

Les ministres oublient-ils donc que depuis dix mois qu'ils sont au pouvoir, voilà le premier instant où ils ouvrent la bouche pour exhalter les funestes secrets qu'ils dévoilent aujourd'hui; ce qui de leur part est une déclaration de guerre à outrance, contre ces règles de droit et de justice, qu'ils ont proclamés alors qu'ils étaient l'opposition, qu'ils répudient alors qu'ils sont le ministère.

Pour eux, prendre la direction des affaires sans explications, put paraître une approbation tacite au moins de l'acte de réunion, dans son inique intégralité. Alors que leurs amis repoussaient avec violence cette interprétation de leur conduite, qui aurait jamais cru, qu'ils en seraient rendus sitôt à formuler leur haute approbation de cet acte détesté par neuf sur dix de leurs compatriotes; puis qu'après eux et avec eux, tous, tous, sans exception nous mentirions à nos convictions; et cela pour tromper le gouverneur et l'Angleterre, en leur assurant que le peuple est satisfait, puisque nous lui faisons dire qu'il trouve bonne notre vicieuse constitution; puisque nous lui faisons dire, qu'il l'a jugée mauvaise, alors que les ministres actuels la lui disaient telle; qu'il la juge bonne aujourd'hui qu'ils l'en assurent, tandis que dans le fait, ils la trouvent bonne ou mauvaise selon qu'ils sont placés ou déplacés.

Si le Canada était sous la protection d'une constitution de son choix; si avant ce jour néfaste, on lui avait fait déclarer que cette constitution avait son attachement et son approbation; si tel peuple s'était montré complaisant et adulateur pour l'oeuvre de Lord Sydenham, autant que l'ont été

les ministres envers cette même oeuvre, autant qu'ils l'ont été à réhabiliter sa mémoire; alors le discours, qui ne serait que la répétition d'anciens écarts pourrait passer inaperçu, comme un formule et une cérémonie de peu d'importance. Mais il n'en est certes pas ainsi.

De l'aveu de M. l'inspecteur-général, nous siégeons sous l'autorité d'un acte qui, lors même de sa création comportait une grande injustice envers le Bas-Canada, puisqu'il avait alors une majorité de 200,000 habitants sur le Haut-Canada. Or, parce que l'honorable inspecteur-général déclare qu'aujourd'hui la différence des populations est moindre, cet acte ne comporte pas actuellement une moindre injustice. Vous croyez la différence petite; moi je la crois encore grande. Mais qu'importe pour le moment; là n'est point la difficulté de la question. Le principe du gouvernement représentatif est faussé dans son essence par l'acte de réunion; faussé dans chacune des deux provinces, par l'existence des bourgs-pourris; faussé entre les deux sections par cette égalité de représentation accordée contre tout droit à une population inférieure en nombre, sur une qui lui est supérieure. Si donc la première fois que le ministère parle, il vient nous dire: nous sommes toujours libéraux, quoique souvent maîtrisés par des considérations d'expédience, nous n'avons point de principes fixes et connus; nous avons réclamé sur les hustings la représentation, basée sur la population, et nous n'en voulons pas aujourd'hui, parce que, quoique conforme à la justice, elle pourrait nuire à l'élection de nos collègues libéraux du Haut-Canada, nous demandons simplement une augmentation de représentation qui ne sera ni le système représentatif artificiel du moyen âge, ni le système sincère et véritable du XIX siècle; si on ajoute à tout cela qu'il est inusité de faire opposition au discours d'ouverture, je répondrai: nous sommes dans une situation exceptionnelle, et voter l'adresse sans amendement serait promettre une augmentation de représentation conforme à l'esprit pernicieux, à la lettre également pernicieuse de notre constitution. Vous dites que l'on ne doit faire opposition que lorsque le bill de la représentation nous sera soumis; eh bien, je répondrai encore que cette exception à la forme est très futile et superficielle. La demande est constitutionnellement censée formée, à l'heure qu'il est, en stricte conformité à la lettre et à l'esprit de la loi oppressive qu'ils se sont chargés de faire fonctionner.

Quand bien même donc, ils n'auraient pas mis depuis six jours devant le public, l'analyse du triste projet d'égale représentation pour chaque section, qu'ils auraient dû lui soumettre depuis six mois, c'est ce projet là même et nul autre dont il eut été question, par implication dans toute demande d'augmentation de la représentation. L'on voit bien que c'est, parceque nous sommes sous le poids et l'ignominie de l'infériorité politique décrété par l'Angleterre d'abord, par nos chefs libéraux aujourd'hui; parceque nous sommes dans le même asservissement vis-à-vis du Haut-Canada que l'est l'Irlande vis-à-vis de l'Angleterre, depuis l'union forcée qui l'a noyée dans son sang et décimée par la famine; parceque nous sommes hors la protection d'un gouvernement constitutionnel; que le précédent (sic) anglais n'ont ici et en la présente occasion, nulle autorité, nulle application rationnelle.

Lord Durham connaissait aussi bien que le cabinet, voire même que celui des ministres (qui est si idolâtre des exemples anglais, qu'il en acquerra quelque jour le sobriquet de M. le précédent, au lieu de M. le président,



s'il acceptait la présidence du conseil,) que le système de représentation anglais est purement artificiel et inapplicable à l'âge actuel. Il a dit néanmoins que la représentation égale pour les deux provinces était une violation des principes du gouvernement représentatif. Pourquoi? Parce-qu'il voyait que la métropole avait à législater non dans et pour le 12e. siècle, mais dans et pour le 19e. siècle. Nous n'avons donc pas le gouvernement représentatif ni responsable, comme le comportent le sens de ces mots dans l'âge où nous vivons. Nous l'avons, comme le veulent exploiter à leur profit, pour la dégradation et le malheur de leur pays quelques hommes qui, éblouis par le titre qu'ils portent, le patronage qu'ils exercent, l'adulation que les enivre, ne craignent point de s'associer à l'ignominie qui, de jour en jour, pèsera dans ce pays, lourde de plus en plus sur la mémoire justement odieuse de Lord Sydenham.

Voter l'augmentation de la représentation, sans cet amendement, c'est la voter comme ce politique dépravé l'a voulue, comme il l'a faite, comme il l'a faite l'acte d'Union, comme la continuent nos ministres. Quand à moi, j'ai souhaité ne pas entrer de nouveau dans les agitations de la vie publique; mais je suis assez attaché au principe démocratique, pour reconnaître le droit du peuple d'imposer le fardeau de la représentation à qui bon lui semble. Je me suis soumis à son ordre, et quoique je ne sois entré qu'à regret dans l'assemblée, je suis content de m'y trouver en ce moment pour faire constater par l'entrée au journal que je n'ai pas donné dans le piège que tendent à la Chambre les ministres avec leurs prétendues vagues inoffensives généralités. Non, elles sont l'affirmation que l'acte a apportonné la représentation avec équité, donnant la domination à une minorité méritante, imposant l'infériorité à une majorité odieuse ou méprisée.

La chimère qu'a conçue le représentant de St.-Maurice, une représentation exactement basée sur la population, n'a jamais existé, dit M. l'inspecteur général, organe de tout le cabinet; interprète qui nous fait de tout l'avoir et savoir du cabinet, sur cette question. La raison nous avait bien dit que c'était impraticable et de toute impossibilité, mais dans nos recherches, les livres sont venus à l'appui de notre raison et vous démontrent combien le cabinet conjecture et raisonne avec force et justesse. Voyez plutôt: le comté d'Albany avec 53,000 habitants n'a que 3 représentants et celui de Columbia avec 39,000 en a 3 aussi. Mais il y plus, je vois un comté qui, avec deux mille âmes de plus qu'un autre, a un représentant de moins; donc tout est aussi arbitraire dans l'état de New York qu'en Canada, donc il est inutile de chercher la perfection, et le membre de St.-Maurice qui nous invite à viser à l'atteindre cette malencontreuse perfection, est bien décidément un impraticable utopiste. Parfaitement raisonné quand, sur la question, l'on a eu l'avantage de ne lire que l'almanach d'une seule année; mais argumentation erronée, si l'on en a lu plusieurs, et quelques autres textes encore. L'on aurait su qu'un recensement général doit se faire de dix ans et que c'est après chaque tel recensement que la représentation de chaque comté est déterminée d'après le montant de sa population jusqu'au recensement suivant. Dans l'intervalle la population de quelques comtés peut s'augmenter plus vite celle de quelques autres et rompre l'exactitude de la répartition; mais elle est rétablie de dix en dix ans. L'inégalité n'est qu'accidentelle et temporaire. Le voeu de la loi est celui de la justice égale pour tous les citoyens. Ils y sont périodiquement ramenés, au lieu que l'acte de réunion comme le plan des

ministres, décrètent une injustice calculée, voulue et permanente, tant que le Bas-Canada sera en majorité. Mais a dit le procureur-général du Canada-Est, quand le Haut-Canada aura le double de notre population, nous lui ferons souffrir une bien plus grande injustice, que celle que nous souffrons aujourd'hui, car nous ne lui permettrons pas alors d'augmenter sa représentation.<sup>354</sup>

MR. INSP. GEN. HINCKS asked if the hon. member would, supposing that the population of Upper Canada became greater than Lower Canada, allow it to be represented by a greater number of members.<sup>355</sup>

MR. PAPINEAU intimated he would.<sup>356</sup>

Then he--MR. HINCKS--must declare that he would not submit that Upper Canada should be governed by Lower Canada, however, great the difference in population might become.<sup>357</sup>

M. PAPINEAU ((continua:)) Quelle absurde rodomontade, que celle de dire, parceque nous n'avons pas aujourd'hui le courage de défendre nos justes droits, nous promettons que nous aurons plus tard la témérité d'envahir les justes droits de ceux à qui nous sacrifions les nôtres. Voilà de la diplomatie qui ne peut être bien persuasive! Ceux à qui vous vous soumettez, quand ils exigent de vous une injustice, sauront bien vous contraindre à vous soumettre, quand ils exigeront justice. Et d'ailleurs ils sauraient bien se passer de vous. L'autorité qui vous maltraite, nullifierait bien vite votre injuste votre mauvais vouloir, si vous osiez l'afficher alors. Quand à moi, je ne veux ni souffrir ni pratiquer une injuste domination et si plus tard le Haut-Canada avait la majorité de la population et demandait ce qu'il ne peut pas manquer de faire, la majorité de la représentation, oui, je voterai pour l'application générale de ce principe essentiel au gouvernement représentatif, la représentation proportionnelle à la population. Il n'y a aucun risque à ce que la différence de deux cent mille âmes qu'il y avait en 1843 entre le Haut et le Bas-Canada s'efface assez rapidement pour que le procureur-général ou le représentant de St.-Maurice soient de leur vivant mis à l'épreuve, sur la manière dont ils auront à voter dans l'éventualité d'un surplus de population dans le Haut-Canada. Loin de se décourager à la vue d'un accroissement beaucoup plus rapide de population dans une section que dans l'autre, la seule conclusion raisonnable et patriotique qu'il en faut déduire, c'est qu'il n'y a pas un jour, une heure, un instant à perdre, mais qu'il faut au plus vite demander le rappel de l'acte d'Union.

Quand à l'allégué que j'ai fait, d'après ce que l'on m'avait dit à Québec, M. le procureur-général ne le nie point, il le confirme. Il donne pour excuse de n'avoir pas répondu au comité de Québec, qui s'était adressé à lui pour faire signer dans le district de Montréal la même requête qui l'a été presque unanimement dans ceux de Québec et de Trois-Rivières, que le découragement était grand et général dans celui-ci, et qu'il y avait un passage dans la requête qui lui déplaisait. Avec un peu de zèle et un peu de civilité, il pouvait néanmoins répondre au comité de Québec, qu'il s'efforcerait de faire signer une autre requête analogue, mais ne contenant point un passage auquel il objectait. Peut-être que cette réponse aurait fait disparaître le passage qu'il blâmait. Mais il dit qu'il a fait mieux que de répondre à une lettre civile par une lettre civile. Il a été fortifier son courage auprès d'un autre citoyen estimable, à qui l'on avait pas écrit, qui donc est excusé de n'avoir pas pris l'initiative; et ne lui a ni prêté



ni emprunté assez de courage pour vaincre la nonchalance générale. Il a provoqué une assemblée, elle a été peu nombreuse. Puis le comité chargé de préparer une requête a agi mollement, après deux ou trois réunions, il a tout abandonné. J'ai dit moins contre le procureur-général qu'il ne l'a fait lui-même, par cette suite d'explications. Il n'aurait jamais réussi à rien d'important, s'il n'avait jamais mis plus d'activité et de persévérance, qu'il ne paraît l'avoir fait en cette triste occasion.

M. l'inspecteur-général, pour et au nom du cabinet, revient à la charge et répète avec une incroyable assurance, la frivole, pour ne pas dire honteuse objection, donnée déjà en toutes lettres par l'un de nos procureurs-généraux, et tacitement par l'autre, qui entend cette étrange assertion de la part de ses collègues, sans qu'il puisse les empêcher de dire la bêtise, ou sans qu'il sache comment l'excuser ou l'expliquer, "que la représentation basée sur la population n'est pas un principe des gouvernements américains," puisque dans le Sénat de la Confédération, le plus petit des états est aussi fortement représenté que le plus grand; les 90,000 habitants de Delaware autant que les 3,000,000 de New-York. Impayable! Oh admirable importance des précédents anglais. Elle dispense donc de toute autre étude légale, puisque nos procureurs-généraux si puissans dans ce genre de connaissance, sont assez étonnement faibles dans ce qui tient au droit public des nations civilisées, pour trouver dans la constitution du Sénat des Etats-Unis la preuve que j'avais parlé au hasard, en disant que dans tous les pays, qui avaient adopté le système représentatif dans le 18<sup>e</sup> et 19<sup>e</sup> siècle, l'on avait pris pour preuve de la sincérité du système, la représentation proportionnelle à la population. Quelques fois pourtant, je l'avoue, la violence a violé ce principe de justice. Le gouvernement aristocratique de l'Angleterre a toujours pris part à ces violences agressives. A lui, la honte; aux peuples, dont elle a prétendu régler le sort, le malheur; à ses oeuvres d'iniquité, le peu de durée, ou les embarras qui l'ont suivie. Ce principe de justice a été violé dans l'Union forcée de l'Irlande, qui a droit à près de 70 représentants, de plus qu'il ne lui ait été accordé, afin d'écraser encore plusieurs minorités déjà accablées; dans l'Union forcée des Canadas, et dans l'Union forcée de la Belgique, où les minorités ont été dotées de l'ascendance sur les majorités. L'une d'elles est heureusement dissoute. Les deux autres nourrissent de justes ressentiments contre le gouvernement anglais. La haine de l'Irlande est juste contre ses oppresseurs séculaires. Celle du Bas-Canada deviendrait bientôt la même contre le Haut-Canada, si leur réunion avait des éléments de durée. Elle n'en a point. D'un mutuel accord, avec un empressement réciproque, les deux partis poursuivront bien vite une sentence de divorce. Le jour et les moyens de leur séparation seront aussi heureux et honnêtes, qu'ont été malhonnêtes et malheureux les temps et les moyens de leur réunion.

Dans tous les gouvernements des Etats-Unis, dans ceux de France, dans ceux de Belgique, et de la Hollande séparées, le principe énoncé dans l'amendement proposé est en pleine vigueur, malgré l'assurance avec laquelle nos procureurs-généraux et leur truchement, disent que ce ne peut pas être, puisqu'ils voient, ou croient voir le contraire dans le sénat de la confédération. Ils n'ont pas eu en apparence l'avantage de lire les débats qui ont eu lieu dans la convention, qui a préparé la constitution fédérale, soumise à la libre acceptation, ou libre réjection de chacun des états de l'Union, ni John Adams sur les constitutions, tant de la confédération que des états

séparés, ni les commentaires du chancelier de Kent, ou du juge Baldwin, ni beaucoup d'autres autorités qu'il serait judicieux pour eux d'étudier, afin de ne pas faire d'aussi lourdes chutes, de ne pas tomber assez bas pour faire des objections aussi nonchalantes que celles qu'ils font avec une si aveugle confiance, comme si elles n'étaient pas de facile réfutation.

Je dois leur dire pourtant, que j'ai souvent assisté à des examens de jeunes messieurs et de jeunes demoiselles dans les collèges et académies des Etats-Unis. Car, s'il est vrai de dire que je ne me suis efforcé de ne rien oublier, surtout de ne rien répudier de ce que j'avais appris et professé, il ne l'est peut-être pas de même que je n'aie rien appris; du moins j'ai toujours désiré apprendre. Et là j'ai vu et entendu une foule de jeunes messieurs et de jeunes demoiselles, de quinze ans, qui auraient facilement pu résoudre des problèmes insolubles pour les savants de notre cabinet. Que voulez-vous, nul homme ne peut tout savoir. M. le procureur-général pour le Bas-Canada s'est guindé assez haut, en assurant qu'il avait lu son Blackstone très récemment et qu'il y avait longtemps que je n'avais lu le mien; puisqu'il le possède mieux que moi, c'est ce que nous examinerons plus tard.

Ces jeunes écoliers des Etats-Unis leur diraient de distinguer entre le droit des gens, le droit public international et fédéral adopté par et pour des peuples indépendants les uns des autres, liés entr'eux dans des limites définies, d'après les pactes et traités, auxquels ils ont librement consenti, et entre le droit public constitutionnel de chaque nation se donnant les lois qui séparément régleront ses intérêts sociaux, de la manière qui lui conviendra le mieux, avec les restrictions pourtant des concessions qu'elle aurait faites de partie de sa souveraineté dans ses rapports avec d'autres sociétés.

Les Etats-Unis, au nombre de treize dans le principe, maintenant trente, sont des états souverains et indépendants les uns des autres, d'abord, et qui dans la plupart des objets, qui touchent à leur législation intérieure, sont aussi indépendants du congrès, que nous le sommes nous-mêmes. L'un d'eux ne pourrait pas se constituer monarchiquement ou aristocratiquement. Ils ont acquiescé à faire partie de leur glorieuse confédération, à la condition de se donner des constitutions électives démocratiques. Si l'un des états voulait par une bizarrerie impossible à concevoir, troubler l'ordre commun, en donnant le scandale de répudier cette forme rationnelle de gouvernement, le reste de la confédération pourrait le contraindre à respecter le traité par lequel il s'est lié pour toujours à conserver une constitution démocratique.

Cet élément, il peut en modifier l'application de la manière la plus diverse. Il peut, à son choix, conserver l'élection directe de ses magistrats et serviteurs, ou leur élection indirecte par l'intermédiaire de ses législatures, ou de ses sénats, ou de ses gouverneurs, de ses conseils de nomination; donner à ses magistratures des pouvoirs qui varient par leur nature et pour leur durée, depuis six mois jusqu'à la vie entière de la personne élue ou nommée. Mais universellement le peuple est reconnu pour être la source légitime de tout pouvoir, et tous les employés sont nommés par lui, ou par ses agents élus et responsables. Dans tous ces états le gouvernement constitutionnel est vraiment et sincèrement représentatif, et la représentation est basée sur la population. Après que l'état a été distribué en un nombre de districts, qui auront élu leur quote part, plus



ou moins grande de représentants d'après leur population plus ou moins grande, deux, trois ou quatre de ces districts sont réunis pour former un district sénatorial, qui élira sa quote part plus petite ou plus grande de sénateurs, mais toujours proportionnelle aux quotes parts des autres districts de chaque état, sans que l'une des parties, qu'elle soit ville, ou campagne, ait un avantage indu sur les autres parties. Il n'en est pas ainsi avec nos bourg-pourris, avec l'égalité de représentants, pour l'inégalité des populations dans les deux sections de la province. Voilà en quoi le système de nos voisins est beau, bon et désirable; en quoi le nôtre est hideux, mauvais et détestable.

Le sénat de la confédération est sagement constitué d'après un autre principe, d'après le droit des gens, pour une fin fédérative. Il l'est principalement pour régler les rapports de guerre, de paix et de commerce avec les puissances étrangères, pour garantir l'intégralité du territoire de chaque état, du plus petit contre la convoitise du plus grand, et pour le garantir aussi sûrement que le plus grand est garanti contre les agressions du dehors, et que chaque état l'est contre les convulsions de plusieurs autres états, fédérés ou étrangers. Voilà pourquoi il était sage et nécessaire, que le sénat participât aussi directement qu'il le fait, de plus que la Chambre des représentants, ne le fait, à la nomination et révocation de tous les ambassadeurs à l'étranger, à l'approbation ou réjection des traités. Les états indépendans ont été libres d'accéder ou de ne pas accéder à ce pact fédératif. Les grands états ont eu la sagesse, en le préparant en convention, de s'imposer des gênes et restrictions qui offraient aux états faibles, la certitude qu'ils n'avaient rien à redouter des états forts. Mais, dit M. l'inspecteur général, "néanmoins il en peut résulter dans la pratique de graves inconvéniens. Supposons que l'Etat de New-York veuille le système du commerce libre de Rhode-Island, celui des protectionistes, le plus faible pourra nuire au plus fort qui pourra s'en irriter." Irritation impuissante. Il est désarmé contre son faible voisin; il a la presse et le sénat pour discuter sur un pied d'égalité avec son tout petit voisin; pour finir par triompher, s'il a pour lui la vérité et le bon droit; pour finir par succomber, s'il a pour lui l'injustice et l'erreur. Les sénateurs sont des ambassadeurs envoyés par des états indépendans, confédérés. C'est ainsi qu'est fondé tout le droit public de l'Europe. C'est ainsi, que la république de San Marino avec ses 4000 habitans, la principauté de Monaco avec ses 6000 sujets, une foule de principautés souveraines d'Allemagne dont la faiblesse et l'incapacité à armer des troupes ne leur permettraient pas d'équiper et entretenir un millier d'hommes et qui sont aussi assurés de garder leur indépendance, que leurs voisins d'Autriche et de France qui en peuvent équiper un million.

Le gouvernement représentatif est le meilleur de tous pour l'administration propre et indépendante de chaque nation.

Celles qui ont eu le bonheur de le conquérir sont toutes plus heureuses et plus vertueuses que celles qui ne l'ont point, ou qui l'ont faussé et menteur, comme celui qui veulent nous faire des ministres aussi opinâtres qu'irréfléchis, dans leur acquiescement à la démoralisation et à l'asservissement qui découlent d'un aussi mauvais système que celui qu'ils patronisent.

Le sénat fédératif américain est constitué dans un but d'assurer la puissance souveraine et absolue de chaque état, sans que son voisin puisse

se plaindre, se venger de ce que sa législation particulière locale diffère de la sienne. De là au pouvoir d'assimilation et d'aggrégation qui fait que les trente états sont heureux et plus facilement gouvernés, que l'étaient les treize états au début de leurs essais, couronné d'un aussi magnifique résultat que celui qu'admire et que copie l'Europe, bientôt renouvelée. Les deux objets sont assurés: le bon gouvernement de chaque état par l'application des principes du gouvernement représentatif à leurs deux chambres. Le bon gouvernement de la confédération par la constitution du sénat, qui rappelle sans cesse à tous, que l'on veut conserver l'égalité, la cordialité, l'indépendance absolue de chaque état; que c'est pour cette fin qu'ils se sont librement confédérés et que chaque iota du pacte consenti entre parties qui s'y sont placés sur le pied d'égalité entre elles, et de pleine et absolue indépendance les unes à l'égard des autres, doit être strictement observé; et qu'il n'y a aucune autre partie de leur souveraineté d'entamée que celle qui est clairement confiée et remise au congrès.

L'inspecteur général entasse ensuite en peu de mots une foule de conjectures sur ce que sera l'avenir des Canadas. Comme il s'est si manifestement trompé sur ce qui était matière de fait et sur le passé, il est assez naturel de conclure qu'il se trompe quand il prophétise. En pesant la valeur des raisonnements que l'on peut opposer à ses simples assertions, je crois pouvoir prouver que mes conjectures sur cet avenir sont infiniment plus probables et rationnelles que les siennes, dont elles diffèrent entièrement.

Il est inutile, affirme-t-il, de s'occuper en aucune manière du rappel de l'Union, parce qu'aussi longtemps que nous serons colonies, il sera impossible de l'obtenir. L'Angleterre et le Haut-Canada n'y consentiront point. De cette énumération de deux des trois patries intéressées dans ce funeste contrat consommé par le vol et la violence, et de l'oubli du nom de la troisième, il paraît que les droits et les vœux de celle-ci ne comptent pour rien auprès des deux autres. Elles ont pour elles la force, disent le cabinet et ses obséquieux flatteurs, donc la raison et la justice ne seront jamais d'aucun poids auprès d'elles. Je n'ai pas plus foi que M. l'inspecteur général dans leur équité et leur modération, mais sachant qu'elles sont quelques fois capables de calculer bien, en matière d'intérêt, j'entrevois très clairement les circonstances qui dans un avenir prochain, les porteront à demander de concert avec nous, une séparation, quand l'Union n'aura plus de motif apparent, quand elle sera également insupportable aux deux colonies. L'Union, quand elle aura accompli sa destination, n'aura plus de motifs ni de moyen de durée. La cause cessant, l'effet cessera. Encore trois ou quatre ans d'une administration prodigue du revenu, comme nous l'avons depuis l'Union, et la banqueroute commune nous atteindra tous, et alors personne ne voudra plus d'une liaison qui, n'ayant été imaginée que pour échapper à la banqueroute, aura eu l'effet d'en faire éclater deux, au lieu d'une seule.

Il est inutile, dit l'inspecteur, de parler du rappel de l'Union, parce qu'il est impossible de l'obtenir tant que nous serons colonies; parcequ'il ne deviendra facile de l'obtenir, qu'après qu'elles seront indépendantes; qu'après qu'elles feront partie de la confédération américaine, qu'après que le revenu des douanes étant dépensé par le congrès, il n'y aurait pas de disputes entre des deux Canadas, comme il y en a eu ci-devant sur le partage de ce revenu. Qu'alors les deux états auraient à payer leurs



gouvernemens par des taxes directes, et qu'avec l'aversion des canadiens-français pour ce genre de taxes, seuls ils se trouveront très malheureux de faire partie de cette confédération prospère pour tous ses autres membres, funeste pour eux seuls.

Puisque l'inspecteur-général me mène sur ce terrain, je n'hésiterai pas à l'y suivre, à lui prouver qu'il n'a pas encore beaucoup réfléchi sur ce grave et important sujet; qu'il le méconnaît entièrement; que la contradiction de toutes et de chacune de ses propositions, de la première à la dernière inclusivement, contiendra la vérité, et que les siennes fourmillent d'erreurs. Que c'est pendant que nous sommes colonies et dans un très prochain avenir, que deux Canadas auront intérêt et facilité à se séparer; que leur inévitable fusion dans l'Union américaine ne nuira ni à leur prospérité ni à leur bonheur; qu'il leur importe durant leur condition coloniale d'être séparés, et que cela leur sera encore plus important dans leur état futur d'indépendance et de confédération, et néanmoins leur deviendrait plus difficile à obtenir alors, qu'il ne le serait aujourd'hui. Je suis certain d'amener l'inspecteur-général et tout autre homme d'un esprit droit et ferme à acquiescer à la plus grande probabilité des conjectures que j'énoncerai, qu'à la probabilité de celles qu'il a énoncées.

Pourquoi l'Union a-t-elle été demandée et presque emportée par surprise dès 1822. Parcequ'il y avait dans le Bas-Canada une faible minorité, qui aimait la domination pour elle, et n'aimait pas la liberté pour tous. Que maîtrisée, par d'aveugles préjugés nationaux, elle proscrivait d'instinct, et sans les connaître, les lois, la langue, les institutions de la majorité. Elle avait bien dans le principe rêvé l'exclusion des canadiens de toute participation aux emplois ou à la représentation du pays de leur naissance, parcequ'ils étaient d'une origine française et catholique, et que dans la malheureuse Irlande, la masse de la population placée dans des circonstances analogues à la nôtre, était défranchisée et exploitée au profit de la minorité. Ici elle avait sans doute en 1822 abjuré des prétentions aussi extrêmes et exagérées; mais elle n'aimait pas encore la justice et l'égalité de droits entre les citoyens de toute croyance et de toute origine. Elle s'indignait ce qu'étant minorité dans le pays, elle était minorité dans la représentation; de ce qu'étant minorité dans la représentation, elle n'y obtenait pas, ce qu'elle exigeait de législation nouvelle, ou de préférences dans la distribution du revenu, contraires aux intérêts, aux droits, aux sentiments connus et exprimés de la majorité. Ses exigences pour être moins exorbitantes en 1822 qu'elles n'avaient été en 1772, n'en découlaient pas moins du même principe d'orgueil exagéré pour eux-mêmes, de mépris exagéré contre nous, et d'amour de la domination, passion à laquelle ils étaient prêts à sacrifier toute idée généreuse de leurs propres libertés politiques, pourvu que les nôtres fussent en même tems ensevelies dans la ruine commune. Quelques marchands étaient l'âme et les chefs de cette conspiration permanente contre les droits du Bas-Canada. Ils avaient leurs coeurs, leurs intérêts, leur influence en Angleterre et dans le Haut-Canada. Il y calomniaient sans cesse la majorité au milieu de laquelle ils vivaient. Ils ont soulevé contre elles par d'injustes accusations, d'injustes colères. Après 77 ans de lutte, ils ont eu un jour d'immense triomphe. Ils ont demandé au Haut-Canada de s'associer à leur succès et de dépouiller les vaincus. La spoliation de la liberté, de la

nationalité, de la propriété du Bas-Canada tout entier a été consommée, par les mêmes coupables moyens, qui avaient procuré de semblables déplorables résultats pour l'Irlande. Mais ici la proie était moins riche, elle est presque entièrement dévorée, et quand elle aura été toute engloutie, il ne restera ni un motif, ni un prétexte de perpétuer une liaison nuisible et incommode à toutes les parties et qui ne leur fût imposée, que pour une fin qui est accomplie, la confection ruineuse de canaux utiles: pour une fin qui a trompé les espérances de ceux qui avaient ourdi le complet, et qui, au lieu de la prospérité commerciale, du contentement universel, de la force politique prédits que devait nous donner l'Union, voient la détresse commerciale plus grande, la propriété foncière plus dépréciée, les mécontentements plus justes et plus profonds, la faiblesse politique patente, par suite du désaccord qu'il y a, et qui deviendra de plus en plus prononcé entre les deux sections.

Les motifs de l'union exprimés par ses auteurs en Canada comme en Angleterre étaient les suivans. Dans cette province (le Haut-Canada) les finances sont dérangées et les travaux publics suspendus, l'esprit d'entreprise chez les particuliers est ralenti, le flot de l'immigration si essentiel à votre prospérité et à la connexion Britannique a cessé de couler sur le pays, une grande partie des populations déclarent, que leur gouvernement ne leur est pas satisfaisant. Il est évident que vous ne pouvez pas remplir vos engagements préconisés, à moins que vous n'augmentiez considérablement le revenu par de nouvelles taxes, et le Bas-Canada s'est montré hostile à l'augmentation des droits de douane. Les Ministres de sa majesté en sont donc venus à la conclusion, que ce serait par la réunion seule, si elle était basée sur des principes de justice, que tant et de si grands maux pourraient être guéris."

Le charlatan a administré son grand remède et le malade a succombé. Toutes et chacune de ses misères et de ses souffrances sont plus aiguës aujourd'hui, qu'elles ne le furent alors. Les taxes sont grossies, mais comme elles sont iniquement employées et distribuées, elles n'ont pas eu d'autres résultats, que d'enrichir les fonctionnaires et les spéculateurs, tout en appauvrissant le peuple; de rendre permanemment le gouvernement plus corrompu, plus corrupteur, plus dispendieux, plus nécessaire qu'il ne l'était dans le passé; d'avoir créé la nécessité de grossir toujours le revenu, pour le trouver toujours insuffisant; d'avoir concentré un pouvoir exagéré dans les mains d'un petit nombre de partisans formant l'exécutif, et cela parcequ'ils le constituent, et quand ils le constituent, voulant aveuglément un ministère tout puissant, au milieu d'une Chambre muette, impuissante et asservie. Discussion libre, diffusion du pouvoir, Chambre très forte et ministère très faible, extension du principe d'élection; voilà les principes bons et utiles pour lesquels des libéraux éclairés et indépendants ont lutté avec énergie dans l'ancienne Chambre; et voilà pourquoi la fusion entre eux et les tories d'alors étaient (sic) impossible. Aujourd'hui, il n'y a plus à distinguer des tories d'alors, les libéraux d'aujourd'hui. Est-ce parce que les uns et les autres revenant sur leurs pas se sont rencontrés et accordés à moitié chemin. Hélas! non. Pour saisir et garder le pouvoir et les avantages personnels qu'ils y ont trouvé, les seuls libéraux ont renié leur passé, abjuré leur foi politique, franchi tout l'intervalle qui les séparaient (sic) jadis de leurs adversaires; ils parlent et agissent comme eux et plus mal qu'eux; abusent de la force



que leur réputation de libéralité leur prête, pour ôser contre les droits de leur pays, contre les principes du gouvernement représentatif, vrai et sincère, contre les sentiments démocratiques de l'âge et du continent où nous vivons, plus que n'ont osé et que n'oseraient leurs adversaires, s'ils étaient à leur place. Ce sont les vices inhérents à l'acte de réunion qui les met en une contradiction perpétuelle, ridicule pour eux-mêmes et funeste pour leur pays, avec les antécédents de leur vie entière. Ils seraient utiles dans l'opposition pour veiller à l'extension de principes de liberté; ils sont nuisibles à pratiquer la contradiction du pouvoir, parce qu'il est entre leurs mains, ils y sont nuisibles à pratiquer tout ce qu'ils ont reproché à leurs devanciers.

L'inspecteur-général dit que le rappel de l'Union ne peut et ne doit être discuté, qu'après que ce pays sera amalgamé dans la confédération américaine.

Ce serait une fatale erreur d'attendre que l'évènement fût déjà accompli, pour commencer à préparer la population à savoir comment se gouverner sous l'action de ses nouvelles destinées. Elles s'accompliront dans un avenir plus ou moins prochain, soit que les politiques en Angleterre et ici le veuillent ou ne le veuillent point. Ils ne sont plus d'aucun poids vis-à-vis de la force et de l'aggrandissement des Etats-Unis. Le régime colonial est ruiné de réputation; pas un écrivain politique distingué depuis un siècle qui ne l'ait flétri. Il est un mal en soi; le gouvernement de soi-même, plutôt que par autrui, est un bien en soi.

L'annexion est inévitable, tout l'amène. L'extension rapide du commerce avec les Etats-Unis, plus important à lui seul et plus lucratif pour l'Angleterre que celui qu'elle fait avec tous les autres états étrangers ensemble, rend chaque jour moins important celui des Canadas. Militairement parlant, ils ne sont plus défensibles en cas de guerre. Sur les lacs les américains ont vingt vaisseaux contre vous un. Des forces supérieures dans cette proportion peuvent donc couper tous vos convois, isoler et écraser tous vos détachements. Les américains sont amis passionnés de la liberté politique; justement admirateurs enthousiastes de leurs belles institutions dont ils souhaitent l'extension. Ils sont vingt fois plus nombreux que nous. Sur ce continent, ils deviennent chaque année relativement plus forts que l'Angleterre, parceque leurs ressources pour l'attaque sont chez eux, en eux, à nos portes; tandis que les ressources de l'Angleterre pour la défense sont à très peu de chose près stationnaires, les mêmes que dans ses autres guerres en Amérique, et que leur éloignement et l'impossibilité de les porter si loin, dans d'autres proportions qu'elle ne l'a ci-devant fait, révèle assez clairement, que si une nouvelle lutte s'engageait sur ce continent, elle ne serait pas longue, et elle serait la dernière.

Ils s'appellent et sont appelés américains, comme s'ils étaient le seul peuple du nouveau monde. Non, mais aux yeux de l'Europe les autres états comptent pour peu de chose; eux seuls y sont la puissance prépondérante. Les autres peuples n'ont qu'une indépendance relative et de tolérance sous leur protection, contre toute agression ou toute intrigue des cabinets Européens. Il leur a été intimé que les Etats-Unis leur interdisaient tout nouvel établissement dans cet hémisphère, et ils se sont soumis à ce fiat. Seuls, ils ont donc établi, quel était le droit des gens pour toute l'Amérique. Avec une telle prétention formulée par Jefferson, enseignée dans toutes leurs écoles, et qui est devenue la foi et la croyance politique de tous les américains, au dedans et au dehors de leur pays,

la fin de l'ère coloniale est décrétée. Tout l'amène; la pauvreté comparative signalée par les rapports des commissaires royaux faits à l'Angleterre et au monde entier. Ces rapports prouvent que sur toute l'étendue les frontières, depuis les rives de l'océan à celles du lac supérieur, l'éducation, l'industrie, les cultures, la valeur des biens-fonds sont dans une infériorité évidente sur le territoire anglais à ce qu'ils sont sur le territoire indépendant. Ce contraste n'est-il pas un élément de dissatisfaction permanent, ne nous ôterait-il pas à lui seul des ressources infinies morales et matérielles, dans une lutte trop inégale pour qu'elle soit jamais tentée. Non ce ne sera pas la guerre qui amènera, ce seront des négociations qui amèneront l'avenir indubitable de l'annexion. Elle n'est qu'une question de temps, nullement un sujet de doute et d'incertitude.

Dans cette prévision ceux-là seraient aveugles qui imagineraient qu'ils doivent ajourner jusque-là, le demande en rappel de l'Union.

Chaque jour de sa durée donne des forces nouvelles au parti qui exploite, contre celui qui est exploité. Sept ans de sa durée ont versé les emprunts et les revenus dans la proportion des trois quarts; douze millions de paistres pour le Haut-Canada, quatre millions pour le Bas-Canada; et la même injustice sera prolongée tant que durera cette fatale Union. Voilà un intérêt permanent et grandissant, sans cesse dans le Haut-Canada, qui voudra nous faire supporter la plus grande partie des taxes nécessaires à payer les intérêts de la dette publique, présente et future. Il dira comme l'Angleterre le dit à l'Irlande: en proportion des populations, nous payons plus des taxes que vous; et comme l'Irlande nous répondrons en vain, en proportion de nos ressources que vous avez pompées et épuisées pour les verser exclusivement chez vous, nous qui avons été appauvris pour vous et par vous, nous payons au-delà des bornes de toute équité; nous payons parce que nous mourons de faim pour soutenir le gouvernement qui nous opprime. Tant d'intérêts positifs pécuniaires, qui faussent le jugement et la conscience, ont été créés par l'exploitation prolongée de l'Irlande, que, quand il y a eu quelque moment de honte et de repentir, où le gouvernement anglais a déclaré vouloir être juste envers le pays dont il a fait le malheur, il a déclaré la difficulté de remédier à tant et de si grands maux. Le Haut-Canada habitué à une injuste domination et au profits qu'il aura faits par l'injustice, sera dominé par ces seules considérations, et accèdera plus difficilement à la séparation, après qu'il aura rendu le fardeau des dettes plus lourd qu'il ne l'est aujourd'hui.

Mais, dites-vous, vous demanderez justice au congrès, et il vous donnera la séparation. Vous serez assez nombreux pour vous former en un état.

Eh! non, messieurs, le congrès ne voudrait pas vous rendre justice. Il n'est pas tout puissant comme vous, ou comme le parlement anglais. Il y a des règles de morale et de justice qu'il s'est engagé textuellement à ne jamais violer, et les objets de législation sur lesquels il peut statuer, sont très restreints et clairement définis. Il ne peut pas démembrer un état sans le consentement de sa législature. Alors comme ci-devant, une section de la province dominée par les seuls calculs d'argent, par ses embarras financiers, pourra par suite de la partialité qu'a eue l'Angleterre pour cette section à qui elle a donné une indue



prépondérance, pourra, dis-je, mettre des obstacles de la plus difficile solution, à la séparation. Et pourtant ce serait détruire toute l'importance politique du Canada dans la confédération. Un seul état n'aurait que deux sénateurs, deux en auraient quatre. Un seul état avec deux sections aigries l'une contre l'autre, et la représentation proportionnée aux populations verrait son influence toujours nullifiée, par la certitude qu'une moitié des représentants voterait inmanquablement contre l'autre moitié. Ils chercheraient des alliances dans les Etats-Unis et des partis différents.

Mais persiste à dire l'inspecteur-général, ils n'auraient point d'intérêt à rester réunis, puisque le revenu des douanes ne leur appartiendrait point; il n'y aurait pas de difficulté, pour son partage, comme il y en a eu entre les deux provinces.

Il n'y aurait pas cette difficulté, il est vrai; il y en aurait d'autres. Ce serait le partage inégal du revenu, quelque'il fût, des taxes directes, des patentes, des auberges, des encans, du timbre, de l'air, de l'eau, de tout ce que le plus fort peut taxer, de tout ce qu'il veut partager inégalement.

M. l'orateur, c'est une misérable querelle de deux à trois mille louis réclamés par le Haut-Canada qui est la cause apparente de l'acte d'Union. La cause réelle, c'est l'intrigue qui n'avait pas cessé depuis 1822 de la demander, et de faire agir les conseils législatifs pour empêcher que la difficulté ne fût réglée. Quand la législature de l'une des provinces avait nommé des commissaires pour régler cette mince querelle, le conseil dans l'autre province empêchait qu'il n'y en fût nommé. Ce jeu était pratiqué tout-à-tout dans chacune d'elles, parcequ'en Angleterre l'on voulait cet acte de persécution contre nous, et que l'on se donnait un prétexte de le consommer en temps opportun, en perpétuant les plaintes et le mécontentement entre les deux Canadas--éternelle politique de cette métropole contre ses colonies. L'action des conseils, c'était celle de l'Angleterre.

La difficulté pour le partage du revenu des douanes est facilement surmontée, si on le veut honnêtement. Le Haut-Canada fait une grande partie de son commerce à New-York, sans rien perdre de son revenu, sans que les Etats-Unis perdent rien du leur. Il fait facilement son commerce à travers un pays étranger et indépendant, et il ne pourrait pas le faire à travers une soeur colonie, contrôlée par l'autorité qui les domine tous deux! C'est une absurdité de prétendre qu'il y ait de grands obstacles à surmonter. Le système de dépôt de transit en franchise, laisserait entière facilité au Haut et au Bas-Canada de partager le revenu des douanes dans la juste proportion de ce qui serait réellement consommé dans l'un et dans l'autre.

Bien vite d'ailleurs tout ce qu'il sera possible d'obtenir par les douanes ne pourra plus fournir à des améliorations nouvelles. Tout sera absorbé pour les besoins d'un gouvernement follement dispendieux, et pour payer avec difficulté les intérêts dûs au créancier public.. Des ressources par les douanes! Elles sont épuisées. Vous ne pouvez plus élever les droits sans diminuer le revenu, parce que vous avez diminué l'aisance générale, la consommation générale, par la création de la dette pour des travaux improductifs; parce que si vous augmentez les droits, vous organisez la contrebande. Dès que le Haut-Canada sera convaincu qu'il ne peut plus obtenir ni argent, ni crédit de nous, parce

qu'ensemble nous sommes dans la banqueroute où il était seul avant l'Union, il sentira comme nous qu'elle est un mal sans compensation et consentira à la séparation.

Elle produit une législation précipitée, qu'il a fallu chaque année depuis l'Union altérer contradictoirement d'un jour à l'autre; ce qui fait naître le mépris de la loi et le mécontentement dans la masse du peuple.

Avec l'amoncellement des lois contenant des dispositions diverses pour les différentes sections de la province, les juges, les avocats, le public, tombent dans un chaos inextricable. Les sources où nous devons puiser pour l'amélioration de nos lois civiles, sont les admirables codes français, le plus beau monument de jurisprudence, par sa haute raison, sa méthode, et la clarté de sa rédaction, que le monde ait encore vu. Les sources où doit puiser le Haut-Canada, sont les lentes réformes qui s'introduisent peu à peu dans le droit commun anglais, par statuts. Ayons un ministère vraiment éclairé et libéral et nous aurons de suite la codification de nos lois françaises. Le Haut-Canada n'aura la codification de ses lois que dans un temps plus éloigné, parce que le travail est en effet plus difficile pour lui. Il est presque tout fait pour nous.

L'inspecteur-général applaudit, avec réserve et restriction à ce qu'a dit son collègue. Si j'étais du Bas-Canada, dit-il, oui je répéterais comme lui que je ne consentirais pas à ce que le Haut-Canada eût jamais un représentant de plus que le Bas-Canada. Admirable preuve de l'intégrité et la sincérité du gouvernement responsable, de la moralité publique des membres de notre cabinet. Ce qui est très bon à dire par l'un, est très bon à taire par l'autre. L'inspecteur-général, ou aucun autre, de ses collègues du Haut-Canada consentiront-ils à répéter que si le Haut-Canada avait le double de notre population, deux contre un, ils auraient la démenche de ne pas demander un représentant de plus pour leur section. Ils ne le feront pas, parce qu'ils diraient une folie, parce qu'ils s'ôteraient toute chance d'être jamais réélus.

Oh! non, disent-ils, cela ne peut pas se dire par nous qui sommes favorisés, mais peut bien se dire pour le Bas-Canada qui est injurié.

Pourquoi des maximes diverses? Parce que les intérêts sont divers? Pourquoi donc les retenir forcément, en présence et en une lutte, qui par sa prolongation devient haineuse, tandis qu'agissant séparément, les deux provinces n'auraient que très peu de sujets sur lesquels elles seraient en diversité d'opinion. Au lieu d'être aigries l'une contre l'autre tous les jours pour chaque allocation d'argent; pour chaque bill; pour chaque motion par laquelle on demandera une mesure agréable à une section et désagréable à l'autre, elles seraient toutes deux unies, toutes deux jalouses contre les tracasseries, les délais, l'intervention de Downing-Street. C'est là qu'est l'ennemi commun. Il a eu l'artifice de porter la lutte sur un terrain, où les deux combattants s'affaiblissent et se déchirent pour le bon plaisir et le triomphe de l'autorité distante et dès lors aveugle, qui veut l'abaissement des colons; qui ne veut pas que le jeune homme se dispose à l'exercice des fonctions que bientôt l'homme mûr sera appelé à exercer.

M. l'inspecteur-général feint l'étonnement de ce que j'ose me plaindre de l'Union et parler de possibilité de son rappel, puisque cette demande n'est pas encore formée dans le Haut-Canada. Là, dit-il, il n'y a aucune agitation pour exiger cette révocation.



En vérité l'observation est d'une rare naïveté. Et de quoi se plaindrait-il dans cette Union mal assortie? Elle nous a été imposée, contre le sentiment connu alors et qui est aujourd'hui le même, malgré l'opposition des neuf-dixièmes et plus des habitants du Bas-Canada contre cette mesure, adoptée parceque la province voisine succombait sous le fardeau de sa dette. Elle se plaindrait donc d'avoir mangé une si grande part du bien d'autrui qu'elle en a une indigestion; que la même tentation lui étant offerte elle y succombera; et que pour éviter de vivre avec excès, elle ne veut plus d'une table si abondante! Ce danger est passé. Il n'y a plus ni fonds, ni crédit. Le temps est venu où la raison parlant seule, l'examen calme de la question fera naître un empressement égal entre les deux parties, de se donner la main pour se dire adieu. Et quand elles seront d'accord sur ce point, Downing-Street n'aura rien à y voir, rien à y redire.

Mais, dira-t-on, il l'a établi sans vous consulter, il le maintiendra contre votre désir. Je dis non, car ce serait trop avilir l'octroi prétendu du gouvernement responsable. Je dis non, parce (sic) 1850 est postérieur à dix ans à 1840 et que ces dix années ont été longues et fertiles plus qu'aucunes autres vingt années, pour le progrès de la liberté.

L'Irlande serait-elle opprimée, si elle avait un nombre de représentants aussi grand que l'Angleterre, a ridiculement dit M. le procureur-général du Bas-Canada.

Non, certes, ce serait l'Angleterre qui serait opprimée et outragée, parce que les règles de la justice seraient indignement violées, comme elles le sont pour nous.--Légèrement, dit l'inspecteur-général: vous avez 60 à 70 mille âmes de plus, c'est bagatelle.--Je dis que nous avons deux cent mille de plus. Mais le plus ou le moins n'est pas ce qui doit être envisagé en ce moment. C'est d'un gouvernement guidé par des principes honnêtes, ou par des considérations déshonnêtes d'expédience, dont il est question. Vous êtes les hommes à expédients. L'Irlande ne serait pas opprimée si elle avait une représentation proportionnelle à sa population. Elle profiterait des nécessités des partis anglais, pour ne soutenir que celui qui serait juste pour elle. Avec cent représentants de plus qu'elle n'a, si elle exigeait le rappel de l'Union, elle l'obtiendrait. Elle le veut, c'est son droit. Le refus est une seule des mille oppressions qu'elle subit incessamment.

Aujourd'hui, dites-vous, ce n'est pas un grand mal dans la pratique que l'inégalité dans la représentation, parcequ'elle n'est pas très grande; ce n'est pas un mal pratique que la paucité (sic) du quorum fixé par l'injonction de l'étranger, à vingt, puisque vous voyez que la Chambre est pleine; ce n'est pas un mal qu'il y ait des bourgs-pourris, il y en avait sous l'acte de 1791 et le représentant de St.-Maurice n'avait rien pour les supprimer. Par l'acte de 1829 auquel il a consenti, la représentation n'était pas basée sur la population seule, mais sur cette donnée combinée avec le territoire. Notre système de représentation n'est pas un grand mal.

Sophismes, détails insignifiants et mal compris que toutes ces assertions étrangères à ce qu'il convient de faire aujourd'hui avec les moyens d'un cabinet, ou mieux d'une opposition, qui aurait de la force, des lumières et du patriotisme. Pendant près de trente ans mes collègues et moi avons lutté avec une constance que rien n'a jamais lassée ni rebutée, pour que le

peuple fût de plus en plus éclairé, moral, fier et fort pour courber toutes les autres autorités, à respecter les libertés indéfinies qu'il pouvait acquérir par une représentation indépendante et désintéressée. Bien souvent avant 1829 nous avions demandé l'augmentation de la représentation pour assurer cette plus grande indépendance. Le conseil législatif, c'est-à-dire, l'Angleterre par ses agents asservis, par les interprètes de ses préjugés et de ses prédéterminations, avait rejeté nos bills. La logique de la Chambre, écho sincère alors des affections et de la volonté du peuple, la presse libérale, non soudoyée pour fortifier les plans de domination de la métropole aujourd'hui faufilee toute puissante dans l'assemblée sous le costume d'un ministère canadien, qui court au devant de la servitude, qui l'organise de sang-froid pour l'avenir, parce qu'elle sera exercée par quelques colons contre la masse des colons; et tous deux la Chambre et la presse, dis-je, soulevèrent l'indignation contre le conseil, à raison de ses complaisances, moins funestes que celles que nous voyons aujourd'hui. Cédant à l'orage, le conseil en 1829 ne rejeta pas le bill de la Chambre qui lui avait été envoyé basé beaucoup plus approximativement que ne l'a été le statut, sur la population. C'est le conseil que découvrit l'idée bizarre qu'accueille le cabinet, de compter les hommes et les souches, la population et la superficie, non la valeur du territoire, comme éléments constitutifs de la représentation. Il fit des amendements, afin que le bill fut rejeté; parcequ'il accroissait les forces populaires, qu'il aidait au succès des doctrines reçues, alors que l'exécutif devait être fait petit et le peuple fait grand, ce bill fut accepté malgré ses imperfections. Le gouvernement et ses conseillers en éprouvèrent un amer chagrin et avouèrent que la Chambre avait déjoué leurs projets. Il n'en sera pas ainsi des plans de notre cabinet, ils dépassent tous les désirs, toutes les espérances qu'avait pu former lord Sydenham.

En 1791, les bourgs-pourris avaient été imaginés par esprit d'aveugle imitation de ce qui est en Angleterre. Ils ont été bien plus honteusement créés dans l'acte de réunion, pour des fins de corruption prévue et voulue. Est-ce avec si peu de ce qu'il a fait lui-même, que le procureur-général ose dire que nous n'avons jamais essayé de détruire les bourgs-pourris. Quand nous demandions que les deux Chambres fussent électives, nous disions: nous avons un instrument de législation et de gouvernement tout-à-fait défectueux, de là découlent tous les abus qui inondent et désolent le pays. Donnez-nous l'instrument que réclament les besoins de ce peuple, les lumières de ce siècle, les progrès faits dans tous les autres pays constitutionnels, et tous ces abus, même les bourgs-pourris dont les ministères sont aujourd'hui si épris, tomberont. Mais eux faisant fonctionner un instrument qu'ils disent être parfait, que je dis être détestable, conservent tout ce qu'ils ont blâmé, quand ils ont été jadis opposition honnête et nationale, quand ils ont été récemment opposition factieuse et de parti. Non non, les tories peuvent vouloir les conserver sans honte; ils seront consistans; mais des soi-disant libéraux ne peuvent pas les conserver sans salir leur passé, sans que leurs noms soient flétris dans un avenir prochain.

La rédaction du quorum à vingt n'est pas un grand mal, puisque la Chambre est presque constamment pleine.

Déplorable servilité si rapidement créée par cet acte d'Union, qui a tué l'esprit de respect pour soi-même, pour la dignité que comporte le



caractère de législateur, pour l'indépendance d'influence exécutive qui est essentielle à la représentation, et que chacun de nous avons la mission de transmettre à nos successeurs; déplorable servilité, qui ne laisse pas comprendre à de prétendus hommes d'état, qu'ils sont stigmatisés. Dans le système anglais suranné, quoique mille fois moins mauvais que le système canadien, que les ministres libéraux dans leur ignorance du droit constitutionnel, ou dans leur amour du pouvoir absolu nous préparent, c'est à la Chambre seule à fixer d'après les circonstances, dont elle est exclusivement le juge compétent, quel sera son quorum, à le diminuer ou à l'augmenter, de manière à se protéger contre toute intervention extérieure. La première partie de notre histoire parlementaire a été un peu trop dominée par la conformité aux précédents anglais. La Chambre fixa son quorum à 22 sur 50 membres: c'était mieux que celui de vingt sur 84. Dans la seconde partie de notre histoire parlementaire, l'étude du droit constitutionnel non seulement de la métropole, mais aussi celui de toutes les colonies anglaises et des pays étrangers libres nous guida et quand la Chambre fixa elle-même son quorum à 42, elle se conforma aux principes établis aujourd'hui, de vouloir que la majorité de la représentation fût présente, pour pouvoir siéger. Le quorum fixé à 20 par la loi, est une violation du droit public anglais, et du droit meilleur de tous les autres pays libres. C'est proclamer que vous êtes le corps représentatif, le plus garrotté qu'il y ait au monde, et que vous ne comprenez pas, ou que vous aimez l'avilissement de la représentation de votre pays, quand vous parlez si légèrement de tous et de chacun de vices de l'acte que vous faites fonctionner avec tant d'ardeur et de force pour le mal, avec une aussi complète impuissance pour le bien.

Je crois avoir répondu suffisamment au ministère qui peut par lui et ses flatteurs verser un océan de mots, d'écrits et d'injures contre moi; de réfutation, jamais. Sa position est fausse, son action est funeste au pays que pour un temps il a endormi, en le trompant. Le réveil se fera.-- "Oui, pour nous exprimer de plus en plus haut sa reconnaissance, dit le ministre. Voyez le bien que j'ai fait, il est l'avant, coureur de celui que je ferai. Si je n'avais pas exercé le pouvoir, dit-il, l'hon. membre de St.-Maurice en serait à lire dans Paris des utopies sur le meilleur des gouvernements. Sans lui demander de la reconnaissance, qu'il soit juste au moins. J'ai insisté à produire un Nolle Prosequi; ce n'est que par la suite de cette persistance que l'hon. membre a son siège pour me faire ici des reproches immérités."--Je réponds: M. le procureur-général a cru sans doute faire un acte de justice. Il a donc rempli un devoir. Je remercie tout homme public qui remplit ses devoirs, car les tentations à s'en écarter, sont semées sur sa route d'autant plus nombreuses que la constitution d'un pays est plus vicieuse. Quand le procureur-général s'appuiera sur ses souvenirs de ses jours d'opposition, il fera le bien; quand il se chargera de faire fonctionner l'acte d'Union, il fera le mal. De ce qu'il a de concert avec ses collègues fait un acte de justice à mon égard, s'ensuit-il que je sois enchaîné à le suivre dans tous ses changements d'opinion, à l'approuver dans ses écarts. Des hommes plus à portée que qui que ce fût en Canada de faire abrégier le temps de mon exil, m'ont offert aux Etats-Unis et en France, de s'intéresser à procurer mon retour au pays. Je leur ai invariablement dit: "Non, ne le faites pas."

Votre gouvernement a opprimé le Canada; tout danger de résistance armée a cessé; ne pas accorder une amnistie générale est une folle vengeance. Occupez-vous de cet acte d'humaine et prudente administration. Je vous supplie pour mes concitoyens et pour les étrangers qui sont dans les fers; rendez-les à la liberté et à leur famille. Occupez-vous beaucoup d'eux; de moi, très peu. Je puis donc dire que je n'ai demandé ni au procureur-général, ni à qui que ce soit au monde, de s'intéresser à me procurer mon retour ici. J'y suis venu quand il m'a semblé à propos de le faire pour partager les souffrances et les douleurs de mes compatriotes; aussi esclave que jamais de l'obligation que mes compatriotes m'ont imposée contre mon gré, de faire et dire dans cette Chambre tout ce qui me paraît pouvoir augmenter la force du peuple, et diminuer celle de la prérogative qui est excessive et corruptrice; aussi indépendant du pouvoir exécutif que je l'aie jamais été; beaucoup plus défiant de lui en quelques mains qu'il soit confié depuis l'acte d'Union, que je ne l'étais avant, parcequ'il est armé de plus de moyens de force et de séduction qu'il n'en avait sous une constitution moins mauvaise que la présente.

Mon retour depuis trois ans, le retour de toutes les autres victimes de nos troubles politiques dans la onzième année après qu'ils ont cessé, les changements futiles à mon avis, dans la liste civile, et la réhabilitation de l'usage légal du français, sont dûs à la politique qu'a adoptée le procureur-général, dit-il. Je n'en crois rien. Je pense qu'une opposition fortement combinée et judicieusement exercée aurait obtenu plus vite, les mêmes et de meilleurs résultats. Le laps du temps suffit seul pour faire cesser les procriptions commandées par la peur, par la colère, par la prudence, durant les jours de lutte; mais l'appel à la modération, après que le danger est passé, est si conforme à l'intérêt social le plus large; aux calculs justes et aux inspirations libérales naturelles à tout homme d'état habile, doué d'un esprit droit et cultivé et à la voix de l'humanité; qu'il trouve bientôt de l'écho, dès qu'il a été formulé publiquement. Les négociations secrètes des cabinets conduisent à des compromis, par lesquels l'on obtient moins que par la libre discussion. Témoin cette réhabilitation de la langue française, demandée à l'unanimité dès qu'elle fût proposée, non par le ministère actuel que sa presse adulatrice a affiché comme auteur de cet acte de justice, mais par le ministère précédent.

Il faut que la jouissance du pouvoir, et l'habitude d'être flattés, ait singulièrement gonflé la susceptibilité des ministres, pour qu'ils aient trouvé dans mes observations, des reproches amers de vénalité, d'ambition, de duplicité, de faiblesse contre eux, parcequ'ils avaient pris des places sous sir Charles Bagot. J'avais simplement dit que, quoique'il me semblât qu'ils auraient été plus forts, dans un système de consistance avec leur passé; dans une opposition, qui étant dans le coeur et dans les vœux de la majorité de leurs constituans contre l'acte d'Union, devait être aussi dans leur bouche non pas une fois pour toutes en 1841, mais tous les jours de leur vie politique, mais chaque fois qu'ils ont pris ou quitté leurs portefeuilles;—les difficultés de l'époque étaient néanmoins si grandes et si pénibles, qu'ils ont pu croire pour le mieux en prenant alors une part du pouvoir. Mais quel intervalle franchi depuis ce temps! Quelle différence entre l'hésitation avec laquelle ils l'ont accepté, et l'amour avec lequel ils le gardent, la violence avec laquelle ils veulent l'exercer, telle que manifestée par leur presse et par chacun



des paragraphes de ce discours, surtout par les deux paragraphes auxquels je propose des amendements. Tous les paragraphes demanderaient des amendements et il en surgirait dans une Chambre plus indépendante. Mais pour le moment la prépondérance ministérielle est écrasante, et le serait dans tout pays où le patronage serait aussi excessif et sans nul contrepoids comme en ce pays.

Cette multitude de juges en Angleterre dont j'ai parlé et dont a parlé le procureur-général, n'augmentent pas, comme il le dit, le patronage de l'exécutif, elle le paralyse et lui fait contrepoids. L'Angleterre est couverte dans toute son étendue de municipalités électives, dont les officiers ont généralement dans les limites de leurs cités, villes, bourgs, ou paroisses, des pouvoirs judiciaires plus ou moins restreints, selon la date et la nature de leurs chartes. C'est l'esprit d'indépendance qui résulte de ce système électif et de rotation rapide des charges, de responsabilité directe aux électeurs, au peuple, qui, habituant celui-ci à la surveillance sur la conduite des officiers de son choix, l'habitue à une surveillance encore plus jalouse sur la conduite des officiers nommés par la couronne. La nomination des douze juges pour vingt millions d'habitants, ne donne à la couronne qu'une influence minime; ici cette influence est proportionnellement cent fois plus grande et, par cela pernicieuse. Et le cabinet prouverait qu'il n'en veut pas abuser, en désintéressant les membres de cette Chambre, par la déclaration que, quand l'on y est et pendant une couple d'années après, l'on ne doit s'attendre à aucune nomination.

L'honorable membre pour Sherbrooke (M. Gugsy) a eu la justice de repousser avec énergie d'odieuses et d'injustes imputations lancées contre un homme d'honneur mon parent; je l'en remercie. Une bonne cause soutenue par un homme de talents aussi supérieurs que ceux dont il est donné n'a pas besoin d'autre appui que le sien et le bon droit; je n'ajouterai donc rien à ce qu'il a dit avec tant de convenance à ce sujet. Il a eu la justice de dire que dans une autre occasion, il avait porté contre moi des accusations imméritées, que reconnaissant son erreur, il prenait la première occasion de la rétracter dans le lieu même où il l'avait commise, que c'était ce qu'un gentilhomme devait toujours observer vis-à-vis d'un gentilhomme. Je le remercie de cet acte de justice et de la manière cordiale et généreuse avec laquelle il a bien voulu le remplir. La liberté des débats parlementaires nous obligent (sic) journellement, en vue du bien public pour les esprits élevés, en vue de haines et de ressentiments personnels pour les esprits étroits, à porter nos appréciations sur les actes et les opinions d'hommes publics. Nous pouvons quelquefois nous tromper; et quand nous l'apprenons, nous devons mettre la même sincérité à l'avouer, qu'il s'agisse d'un ami ou d'un adversaire. Pendant plusieurs années, nous nous sommes trouvés l'hon. membre et moi, en antagonisme tranché sur diverses questions d'intérêt canadien. Je lui ai aussi souvent reproché son ultra-royalisme, comme il m'a souvent reproché mon ultra-radicalisme; il était un des plus puissans soutiens de son parti, je défendais mes vues et mes opinions avec une inflexible ardeur, sans que jamais des paroles discourtoises et imparlementaires vinssent affaiblir ce qu'il pouvait y avoir de fort et de sensé dans notre ardente polémique. Nous nous retrouvons tous deux sur le même terrain où nous étions quand les évènements nous ont séparés. Il n'a pas fait un pas vers moi, ni moi un pas vers lui. Nous sommes conséquens avec nous-mêmes. Nous pouvons

respecter la sincérité avec laquelle nous tenons à nos diverses convictions. Seulement il s'applaudit, il se réjouit d'avoir fait tant de conversions des hommes qui étaient à mes côtés et qui sont à ses côtés, s'ils ne l'ont pas même laissé en arrière d'eux, dans leurs efforts passionnés pour l'accroissement de patronage, pour la concentration du pouvoir; comme si le despotisme ne devait pas toujours être odieux et redouté, qu'il soit anglais ou qu'il soit canadien. C'est le despotisme que je repousse, en quelque langue que ce soit qu'il est prêché, mais il est plus odieux dans des bouches qui ont longtemps vanté la liberté et ses bienfaits, chez des hommes qui ont de nouvelles visions et des doctrines contradictoires, selon qu'ils sont placés ou déplacés.

L'hon. membre pour Sherbrooke se méprend sur le sens de ma vie politique toute entière, quand il croit y voir que mes efforts ont eu pour but de donner une injuste domination à ceux de mes compatriotes, qui sont de la même origine que moi, sur ceux qui sont d'une autre origine. Je répudie sans réserve ni restrictions cette interprétation erronée qu'il prête à ma conduite. J'ai voulu et je veux pour tous également, pas à pas l'extension de la liberté et du gouvernement populaire, du système électif dans sa plénitude, tel qu'il a jadis très bien fonctionné dans les colonies anglaises. J'ai dit, parceque je le croyais, que cette politique sage et conciliatrice donnerait un peu plus de durée à la connexion avec la métropole que ne le ferait la politique irritante, qui était suivie par l'emploi de la force, que la politique irritante qui est aujourd'hui suivie par la corruption et la déception. Et ce n'est pas parcequ'elle promettait un peu plus de durée à la connexion que je préférerais et conseillais cette politique rationnelle, de nous donner les améliorations constitutives adoptées par nos voisins pour leur état social analogue au nôtre; mais parceque le régime de la liberté est le plus favorable à la bonne éducation, à la moralisation, à l'activité bien dirigée et à l'aisance qui la suit; et qu'il nous préparait d'avance à jouir avec sagesse de l'avenir d'indépendance qui appartient, un peu plus tôt ou un peu plus tard, à toutes les colonies continentales de l'Amérique.

Vouloir qu'une proportion de sept mille habitants dans le Haut-Canada ait un représentant; et qu'il en faille un de dix mille dans le Bas-Canada, c'est une insulte et une injustice, non seulement pour nos comtés français mais aussi pour nos comtés anglais. S'ils aimaient leurs droits et leur liberté avant tout, ils protesteraient comme moi contre notre commune dégradation politique. Il n'y a rien d'agressif dans la demande que nous formons d'avoir la représentation basée sur la population; le refus est agressif et met en présence des forces pour toujours hostiles l'une à l'autre après ce refus. En demandant pour nous une plus forte représentation, nous disons au Haut-Canada que ce n'est pas pour l'aussujétir à toujours à notre prépondérance, mais que c'est au contraire en vue de nous séparer au plus vite, après que nous aurons consacré ce principe d'équité, que dans les deux provinces et pour toujours, chaque question politique sera débattue avec une entière liberté pour tout le monde, mais qu'au jour fixé pour sa décision, la majorité vraie fera la loi. L'égalité exigée aujourd'hui pour minorité, est une déclaration que parceque l'acte d'Union lui a permis de faire la loi à la majorité, elle veut que cette injustice soit perpétuée, que l'acte d'Union soit prolongé aussi longtemps qu'ils sera nécessaire, pour que la majorité soit pillée. Je demande justice aujourd'hui. Je dis que quand le Haut-Canada sera majorité hors de l'assemblée, il aura le droit de l'être aussi dans l'assemblée que nous devons la lui accorder,



et que si nous suivons les conseils injustes du procureur général qui n'hésite pas à les donner parcequ'il sait qu'il ne sera pas appelé à les tenir, parcequ'il sait que nous serons hors de cette Chambre avant que cette province ait perdu sa majorité,--l'Angleterre qui a commis l'injustice contre nous, ne la laissera pas commettre à nos successeurs, contre les sujets de sa prédilection et de ses préférences partiales. Hâtons-nous de consacrer un principe qui nous servira à tous deux après cette séparation qui ne tardera guère à être demandée de toutes parts.

Quand à l'hon. membre (Macnab) qui a parlé avec amertume de la nomination d'un homme convaincu, dit-il, du crime de haute trahison, c'est l'expression injuste d'un vieux ressentiment qu'il n'a plus le droit de nourrir. Le capitaine Morin est un homme qui, par sa conduite personnelle et par ses liaisons de famille, a joui de tout tems et à juste titre de l'estime de ses concitoyens; qui, depuis sa jeunesse par une bonne éducation nautique, s'est qualifié à bien remplir les devoirs de la charge qui lui a été donnée. Ni lui, ni personne autre dans le Bas-Canada n'a été convaincu de haute-trahison. Personne n'est coupable, qui ici n'a pas été convaincu par le verdict d'un juré, conformément aux lois de son pays. Des vengeances excessives, que déplorent aujourd'hui, je n'en doute point, plusieurs de ceux qui les ont commises; telles qu'à toutes les époques de troubles, elles se reproduisent malheureusement, ont été exercées. Ces excès ont été tels, qu'il a fallu que les victimes ne demandassent pas réparation contre les auteurs de leurs souffrances, un acte d'indemnité en faveur du parti le plus fort. Aujourd'hui un acte analogue est offert au parti qui succomba. Un acte d'amnistie est aussi un acte d'oubli. Ce serait tendre un piège à des exilés, que de leur permettre le retour dans la patrie pour y soulever contre eux de mauvaises passions, pour les assaillir de reproches. Plus un sujet se pique de haute loyauté, mieux il doit entrer dans les intentions de sa souveraine qui a voulu gracieusement proclamer une amnistie générale. Des reproches amers contre un autre individu qui a aussi été nommé par l'hon. membre, cadrent d'autant plus mal, qu'il sait que ces mêmes accusations de meurtre, d'incendie, de vol, portées par le gouverneur du Haut-Canada mal instruit et mal conseillé pour demander l'extradition de M. McKenzie, ont été rationnellement réfutées par le gouverneur de New-York, n'ont fait qu'exposer sir Francis Bond Head à la confusion d'avoir formé une demande insolente et illégale qui fut repoussée avec dédain. Quelle observation lui fut faite que dans une prise d'armes, des faits tels que ceux qu'il signalait, étaient des malheurs secondaires, découlant presque inévitablement des causes qui avaient fait naître le soulèvement. J'eus le plaisir de me mettre en rapport avec des jurisconsultes éminents, dont les opinions devaient facilement pénétrer chez le gouverneur, si capable d'ailleurs par lui-même de trouver la solution convenable à la demande inique faite au nom du gouvernement anglais et d'aider à recueillir les autorités tirées du droit public de toute la chrétienté, du droit des gens tel que consacré dans les temps modernes, qui prouvaient l'ignorance et l'arrogance de celui qui avait pu formuler les accusations portées contre M. McKenzie, et la prétention en conséquence de se le faire livrer.

Par un vote unanime, cette Chambre a justement complimenté l'hon. membre pour la manière dont il avait rempli envers elle les devoirs attachés à la charge importante de présider à ses délibérations. C'était reconnaître

qu'il avait fait d'une manière honorable pour elle et pour lui; qu'il s'y était distingué par de profondes connaissances parlementaires, par de la dignité unie à de l'urbanité et par son impartialité. Chaque jour nous voyons ces différents genres de mérite, briller en lui avec éclat, quand il prend part à la discussion. Sa sortie contre un homme à qui le droit de revenir au pays va être restitué, et qui dès lors doit y trouver la protection des lois contre l'insulte de la part de qui que ce soit, est un oubli momentané de ce qu'il y a habituellement de courtoisie, d'esprit de justice et de bonté dans toute la conduite, dans tous les discours de l'hon. membre.<sup>358</sup>

MR. RICHARDS said, before the debate closes, I wish to say a few words. The hon. gentleman has assumed to himself all the honesty of the House, for he says that no honest man could hold office under the Union Act, and under that ban must of course be included, not only the present Ministry, but the last. He has also shown that he considers himself entitled to all the patriotism of the House, though I presume there are many other hon. members who suppose themselves as much interested in their native or adopted country as that hon. member. For my own part, I will not willingly yield to him in one iota. His friends are willing to ascribe to him all the talent of the country. Well, of that Mr. Speaker, we ourselves have had a pretty good opportunity of judging, during the last three evenings. But I do say that it is expecting us to submit to too much, if the hon. gentleman supposes he is to school us as he has done, three hours the night before last two hours last night, and three hours tonight, on questions upon which we must be supposed to know quite as much as himself--on questions with which the honorable ((member)) himself says that the school children of the United States are thoroughly acquainted. I do think we should ill discharge our duties if we did not protest against this taking up of the public time absolutely about nothing. Suppose a constitution framed with all the improvement talked of by the honorable member--made indeed by himself--suppose it ((was)) stuffed with every notion and chimera that could be born of the brain of the most visionary constitution makers, what I ask would be the object--what more can be attained than the making of good laws for the Government of the people? Now, if he has any idea which he can mature into good laws let him bring them forward, and see if we will not carry them. If we are sent here it is to carry measures that will tend to the good of our constituents; let not our time and time of the country be taken up in these unprofitable dissertations. I am not disposed to justify the proceedings before the Union Act either in Upper or Lower Canada; but the Union is now a fact. If we are to disown it--if we to attest that it is a fraud upon our rights, and then we will do nothing under it--then I ask the hon. gentleman why he pocketed £4,500 given him by this illegal authority. I do hope that for the future we may be able to go on to enact what may be good for the country, and that having listened patiently to the lessons of the hon. gentleman, will give us so much credit for having a lively recollection of them, as will prevent him from recurring to them.<sup>359</sup>

Loud cries of question.<sup>360</sup>



(24)

And the Question being put on the Amendment; the House divided; and the names being called for, they were taken down, as follow:--

YEAS

Messieurs Boulton of NORFOLK, Christie, Laurin, and Papineau.--(4.)

NAYS.

Messieurs Armstrong, Badgley,

MR. BADGLEY remarked, while voting, that he could not support the amendment, although he was in favor of the principle, from the form in which it was drawn.<sup>361</sup>

(24)

Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Brooks, Cameron of KENT, Cartier, Cauchon, Cayley, Crysler, Davignon, Solicitor General Drummond, Dumas, Egan, Flint, Fortier, Fournier, Fourquin, Gugy, Guillet, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Marquis, M'Connell, M'Farland, M'Lean, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, Viger, Watts, Wetenhall, and Wilson.--(61.)

So it passed in the Negative.

Then the main Question being put; the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Davignon, Solicitor General Drummond, Dumas, Egan, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Macdonald of GLENGARRY, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wetenhall.--(48.)

NAYS.

Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Gugy, Macdonald of KINGSTON, Sir Allan N. MacNab, M'Connell, M'Lean, Papineau, Prince, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson and Wilson.--(18.)

So it was carried in the Affirmative.

Resolved, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne at the opening of the present Session of the Provincial Parliament:

To assure His Excellency that this House cordially concurs in the satisfaction expressed by His Excellency, that uninterrupted tranquillity has prevailed in the Province during the Recess:

That the proofs which the people of Canada have furnished during this period of general excitement and disquietude, of their love of order, and of the attachment they bear to their institutions will, they feel assured, tend to establish the credit of the Province on a firmer basis, and to promote its prosperity:

That they learn with the greatest satisfaction that it is the purpose of their beloved Sovereign to exercise the prerogative of Mercy in favor of all persons who are still liable to penal consequences for political offences arising out of the unfortunate occurrences of 1837 and 1838, and to assure His Excellency that they will with humble gratitude concur in passing any Act that may be proposed to give full effect to this Her Majesty's most gracious intention:

That it affords this House much pleasure to learn, that in compliance with the desire of the Legislature of this Province, expressed in a joint Address of the two Houses of the Provincial Parliament, the Imperial Parliament has passed an Act repealing the Clause in the Union Act which imposed restrictions on the use of the French Language:

That this House learns with pleasure, that His Excellency has during the Recess been in communication with Her Majesty's Principal Secretary of State for the Colonies, and with the Lieutenant Governors of Nova Scotia and New Brunswick, on the subject of the Provincial Post Office, and that on the meeting of the Imperial Parliament steps will be taken for conferring on the Provincial Authorities the entire control and management of this Department; and they trust that when the arrangements for effecting this object shall have been completed, it may be found practicable to establish a low and uniform Rate of Postage for the British North American Provinces:

(25)

That they concur with His Excellency in the belief that an increase in the Representation would be attended with considerable advantage to the public interest, and to assure His Excellency, that the subject, which is one of no ordinary importance, will not fail to receive their best consideration:

That they cordially concur in the gratification expressed by His Excellency, at the opposition manifested at one time in certain parts of Lower Canada, to the School Act, having in a great measure subsided; and that they will readily consent to make such alterations in it, as shall render it as little as possible onerous to the Rate-payer, without, however, compromising the important principle which it has consecrated, in securing for all the youth of this section of the Province, the blessing of Education:

That the system of Judicature in both sections of the Province—the Laws for the regulation of Municipalities, and the Constitution of the University of King's College, shall receive their best attention:

That they learn with great satisfaction that the Officers employed in exploring the Country between Quebec and Halifax, with the view of discovering the best line for a Railway to connect these two points, have presented a Report containing much valuable information, and setting forth in a strong light the advantages of the proposed undertaking; and that a Despatch from the Secretary of State for the Colonies has been received by His Excellency, expressive of the interest taken by Her Majesty's Government in the execution of this great work:



That they will give their best consideration to the Accounts for the past, and the Estimates for the present year, when they shall be submitted by His Excellency; and they beg to assure His Excellency, that he may rely on their readiness to grant the Supplies which are necessary for the Public Service:

That this House participates in the concern expressed by His Excellency, that Canada had been seriously affected by the Commercial depression by which the past year has been unfortunately characterised:

That they feel grateful to His Excellency for having impressed on Her Majesty's Ministers the urgent necessity which exists for the removal of such provisions from the Imperial Statute Book as may tend to restrict the Commerce of this Province, by checking the resort of foreign Shipping to its Ports in search of freight; and that they receive with the highest satisfaction the information that His Excellency's representations on this head have been cordially responded to by the Queen's Government:

That among the measures to which His Excellency has been pleased to refer, as meriting the attention of the Provincial Parliament at the present time, as being calculated to raise the credit of the Province, to extend its trade, and to contribute to the developement of its resources, this House is gratified at finding that His Excellency has particularly directed their attention to the following as specially important:

The provision of such funds as may be required for the completion of the St. Lawrence Canals, in the earliest period. With respect to which great works, they are happy to learn that it is believed, that they may be so far perfected at a small additional expense as to permit Vessels drawing nine feet on the outward, and eight feet on the inward voyage, to pass from Lake Erie to the Ocean, soon after the opening of the navigation; and that when this object shall be accomplished, Canada will possess an Inland Navigation unparalleled in capacity and length, and connecting the marts of a Commerce to the growth of which it is impossible to assign limits:

The enactment of a Law authorizing the alienation of works of a purely local character which have been executed at the cost of the Province, and giving the Government such powers as may be necessary for the re-organization of the Provincial Debt, and creation of an efficient Sinking Fund. That it is gratifying to feel that this debt has not been contracted in the prosecution of costly wars, whether of defence or aggression, but in the construction of works of utility, the more important of which can hardly fail, when completed, to prove remunerative; and further, that the existence of a large revenue, derived from Customs, places the creditor of the Canadian Public in a very advantageous position, which will be improved when the principle of a Sinking Fund is brought into active operation:

The amendment of the existing Immigration Act, with a view to the removal of such provisions as tend to prevent Immigrants who propose to settle in Canada, or the Western States of the Union, from proceeding to their destination by the route of St. Lawrence. With respect to which important subject this House fully concurs with His Excellency, that the Passenger Trade is an important branch of the trade inwards, which cannot be discouraged without prejudice to the trade outwards, and thanks His Excellency for the assurance that he will not fail to make every exertion which the interests of the public health will permit, to reduce the

expenditure of the Immigration Department to the scale of the years preceding 1849, when a passenger tax, considerably less onerous than that now levied, with the occasional additional of a small grant from the Public Treasury, sufficed to cover it:

That this House receives with peculiar gratification the recommendation of His Excellency to consider the expediency of setting apart a portion of the Public Domain, in order that the revenue derived from the sales thereof, may form a Fund, the interest of which shall be applied to the support of Common Schools; and to assure His Excellency that the subject will receive their best attention, as well as the important suggestion of His Excellency to invest the Capital arising from this source, either in the Stocks of the Province or in those of some of the principal Railways, the construction of which has been sanctioned by Parliament:

That this House feels grateful to His Excellency for the assurance that in maturing these and all kindred measures which have the promotion of the moral and economical well-being of the people of this important Province for their object, they will ever find His Excellency willing and desirous to co-operate with them:

That they fully concur with His Excellency that in the possession of a Revenue derived from so many independent sources, and exempt from numerous charges that weigh heavily on the resources of other Communities, Canada enjoys great and singular advantages; and they cordially unite with His Excellency in the hope that, under God's blessing, Legislation may be so directed as to enable her to reap the full benefit of them.

Committee to  
draw up Ad-  
dress.

Resolved, That the said Resolution be referred to a Select Committee composed of the Honorable Mr. Attorney General Baldwin, Mr. Dumas, Mr. Wetenhall, Mr. Solicitor General Drummond, Mr. Solicitor General Blake, and Mr. M'Farland, to prepare and report the draught of an Address in answer to the Speech of His Excellency the Governor General to both Houses of the Legislature, in conformity to the said Resolution.

Address  
reported.

The Honorable Mr. Attorney General Baldwin reported from the Select Committee appointed to draw up an Address to His Excellency the Governor General, that they had drawn up an Address accordingly; and the same was read, as followeth:--

(26)

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in the over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Commons of Canada in Provincial Parliament assembled, humbly thank Your Excellency for your gracious Speech from the Throne, at the commencement of the present Session.

We beg to assure Your Excellency that this House cordially concurs in the satisfaction expressed by Your Excellency, that uninterrupted tranquillity had prevailed in the Province during the Recess.



The proofs which the people of Canada have furnished during this period of general excitement and disquietude, of their love of order, and of the attachment they bear to their institutions will, we feel assured, tend to establish the credit of the Province on a firmer basis and promote its prosperity.

We learn with the greatest satisfaction that it is the purpose of our beloved Sovereign to exercise the prerogative of Mercy in favor of all persons who are still liable to penal consequences for political offences arising out of the unfortunate occurrences of 1837 and 1838, and assure Your Excellency that we will with humble gratitude concur in passing any Act which may be proposed to give full effect to this Her Majesty's most gracious intention.

It affords this House much pleasure to learn, that in compliance with the desire of the Legislature two Houses of the Provincial Parliament, the Imperial Parliament has passed an Act repealing the Clause in the Union Act which imposed restrictions on the use of the French Language.

We learn with pleasure, that Your Excellency has during the Recess been in communication with Her Majesty's Principal Secretary of State for the Colonies, and with the Lieutenant-Governors of Nova Scotia and New Brunswick, on the subject of the Provincial Post Office, and that on the the meeting of the Imperial Parliament steps will be taken for conferring on the Provincial Authorities the entire control and management of this Department; and they trust that when the arrangements for effecting this object shall have been completed, it may be found practicable to establish a low and uniform Rate of Postage for the British North American Provinces.

We concur with Your Excellency in the belief that an increase in the Representation would be attended with considerable advantage to the public interest, and we assure Your Excellency, that the subject, which is one of no ordinary importance, will not fail to receive our best consideration.

We cordially concur in the gratification expressed by Your Excellency, at the opposition manifested at one time in certain parts of Lower Canada, to the School Act, having in a great measure subsided; and we will readily consent to make such alterations in it, as shall render it as little as possible onerous to the Rate-payer, without, however, compromising the important principle which it has consecrated, in securing for all the youth of this section of the Province, the blessing of Education.

The system of Judicature in both sections of the Province--the Laws for the regulation of Municipalities, and the Constitution of the University of King's College, shall receive our best attention.

We learn with great satisfaction that the Officers employed in exploring the Country between Quebec and Halifax, with the view of discovering the best line for a Railway to connect these two points, have presented a Report containing much valuable information, and setting forth in a strong light the advantages of the proposed undertaking; and that a Despatch from the Secretary of State for the Colonies has been received by Your Excellency, expressive of the interest taken by Her Majesty's Government in the execution of this great work.

We will give our best consideration to the Accounts for the past, and the Estimates for the present year, when they shall be submitted by Your Excellency; and we beg to assure Your Excellency, that you may rely on our readiness to grant the Supplies which are necessary for the Public Service.

This House participates in the concern expressed by Your Excellency, that Canada has been seriously affected by the Commercial depression by which the past year has been unfortunately characterised.

We feel grateful to Your Excellency for having impressed on Her Majesty's Ministers the urgent necessity which exists for the removal of such provisions for the Imperial Statute Book as may tend to restrict the Commerce of this Province, by checking the resort of foreign Shipping to its Ports in search of freight; and we receive with the highest satisfaction the information that Your Excellency's representations on this head have been cordially responded to by the Queen's Government.

Among the measures to which Your Excellency has been pleased to refer, as meriting the attention of the Provincial Parliament at the present time, as being calculated to raise the credit of the Province, to extend its trade, and to contribute to the developement of its resources, this House is gratified at finding that Your Excellency has particularly directed their attention to the following as specially important.

The provision of such funds as may be required for the completion of the St. Lawrence Canals, at the earliest period. With respect to which great works, they are happy to learn that it is believed, that they may be so far perfected at small additional expense as to permit Vessels drawing nine feet on the outward, and eight feet on the inward voyage, to pass from Lake Erie to the Ocean, soon after the opening of the navigation; when this object shall be accomplished, Canada will possess an Inland Navigation unparalleled in capacity and length, and connecting the marts of a Commerce to the growth of which it is impossible to assign limits.

The enactment of a Law authorizing the alienation of works of a purely local character which have been executed at the cost of the Province, and giving the Government such powers as may be necessary for the re-organization of the Provincial Debt, and the creation of an efficient Sinking Fund. It is gratifying to feel that this debt has not been contracted in the prosecution of costly wars, whether of defence or aggression, but in the construction of works of utility, the more important of which can hardly fail, when completed, to prove remunerative; and further, that the existence of a large revenue, derived from Customs, places the creditor of the Canadian Public in a very advantageous position, which will be improved when the principle of a Sinking Fund is brought into active operation.

The amendment of the existing Immigration Act, with a view to the removal of such provisions as tend to prevent Immigrants who propose to settle in Canada, or the Western States of the Union, from proceeding to their destination by the route of the St. Lawrence. With respect to which important subject this House fully concurs with Your Excellency, that the Passenger Trade is an important branch of the trade inwards,

(27)

which cannot be discouraged without prejudice to the trade outwards, and they thank Your Excellency for the assurance that you will not fail to make every exertion which the interests of the public health will permit, to reduce the expenditure of the Immigration Department to the scale of the years preceding 1847, when a passenger tax, considerably less onerous than that now levied, with occasional addition of a small grant from the Public Treasury, sufficed to cover it.



This House receives with peculiar gratification the recommendation of Your Excellency to consider the expediency of setting apart a portion of the Public Domain, in order that the revenue derived from the sales thereof, may form a Fund, the interest of which shall be applied to the support of Common Schools; and we assure Your Excellency that the subject will receive our best attention, as well as the important suggestion of Your Excellency to invest the Capital arising from this source; either in the Stocks of the Province or in those of some of the principal Railways, the construction of which has been sanctioned by Parliament.

This House feels grateful to Your Excellency for the assurance that in maturing these and all kindred measures which have the promotion of the moral and economical well-being of the people of this important Province for their object, they will ever find Your Excellency willing and desirous to co-operate with them.

And they fully concur with Your Excellency that Canada, in the possession of a Revenue derived from so many independent sources, and exempt from numerous charges that weigh heavily on the resources of other Communities, enjoys great and singular advantages; and they cordially unite with Your Excellency in the hope that, under God's blessing, Legislation may be so directed as to enable her to reap the full benefit of them.

The said Address being read a second time, was agreed to.

Ordered, That the said Address be engrossed.

Ordered, That the said Address be presented to His Excellency the Governor General by the whole House.

Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province, do wait upon His Excellency's the Governor General to know His Excellency's pleasure when he will be attended by this House with its Address.

His Excellency appoints to be attended.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, rose in his place, and acquainted Mr. Speaker and the House, that His Excellency's Speech at the opening of the present Session, to-morrow, at one o'clock, P. M., at the Government House.

Adjournment.

Ordered, That when this House doth adjourn, it will adjourn until to-morrow at half-past twelve o'clock, P.M.

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. M'Farland,

The House adjourned.

APPENDIX, 24 JANUARY 1849.

((NOTICE OF MOTION RE: LIBRARY COMMITTEE.))<sup>362</sup>

SIR A. MACNAB gave notice of a motion for the appointment of a Library Committee.<sup>363</sup>

((NOTICE OF ADDRESS RE: REPRESENTATION OF PROVINCE.))<sup>364</sup>

MR. H. BOULTON gave notice of his intention to move, this day, an Address to His Excellency, for the production of information relative to the Representation of the Province, and the number of electors.<sup>365</sup>

((DISCUSSION RE: PRESENTING OF PETITION.))<sup>366</sup>

A considerable number of petitions presented: one from Rimouski, for the establishment of a jail, signed by about 30 persons; all same handwriting.<sup>367</sup>

A question arose as to whether, under such circumstances, it could be received.<sup>368</sup>

--Received.<sup>369</sup>

MR. J. S. MACDONALD called the attention of the Speaker to the fact of hon. members breaking the rules of the House, as respects the bringing up petitions after the proper time.<sup>370</sup>

SIR A. MACNAB also alluded to the same point, and it was allowed that such Petitions should be received to-day, but a strict observance of the rules in future.<sup>371</sup>

((WITHDRAWN MOTION RE: REFERRING PETITION ABOUT GORE BANK TO SELECT COMMITTEE.))<sup>372</sup>

((There was)) some discussion relative to the reference of petitions to Select Committees, and on the practice of the House on the subject.<sup>373</sup>

MR. WETENHALL presented a Petition from the Stockholders of the Gore Bank, for permission to reduce the Capital of the Bank from £100,000 to 80,000, to enable them to pay off a debt, and for permission to increase the Capital to £200,000.<sup>374</sup>

MR. THOMPSON moved that the petition ... be referred to a Select Committee.<sup>375</sup>

MR. SHERWOOD objected to the Petition being received in the usual way, and suggested its being referred to the Committee on Private Bills.<sup>376</sup> ((He)) considered the request of the Bank most absurd and unprecedented.<sup>377</sup>

MR. WETENHALL was willing to withdraw the Petition, and refer it as proposed.<sup>378</sup>

MR. HOLMES said there was nothing extraordinary in this manner of bringing forward the Petition to reduce their Capital, and, at the same time, to ask permission to increase it at a future time. Fresh Stockholders might be ready to come forward.<sup>379</sup>

The motion was ultimately withdrawn.<sup>380</sup>



FOOTNOTES: 24 JANUARY 1849.

1. PILOT, 26 January 1849.
2. IBID.
3. IBID.
4. According to MONTREAL GAZETTE, 26 January 1849, Papineau moved this amendment "without remarks."
5. The debate on this motion was reported by: L'AVENIR, 3 February 1849; L'AVENIR, 7, 10, February 1849, for Papineau's speech; BROCKVILLE RECORDER, 1 February 1849; LA MINERVE, 25, 29 January 1849, and 8 February 1849; MONTREAL GAZETTE, 26 January 1849; GLOBE, 31 January 1849; LE JOURNAL DE QUEBEC, 29 January, 15 February 1849; MONTREAL GAZETTE, 26 January 1849, and HAMILTON SPECTATOR, 3 February 1849, in identical accounts; PILOT, 26 January 1849, GLOBE, 31 January 1849, BRITISH COLONIST, 2 February 1849, and PROVINCIALIST, 5 February 1849, in identical accounts, except that in GLOBE, the accounts of speeches are shorter, and some speeches are missing in BRITISH COLONIST, the accounts of speeches are shorter and certain parts are different, and in PROVINCIALIST, some speeches are missing; MORNING CHRONICLE, 26 January 1849, BRITISH COLONIST, 26 January 1849, HAMILTON SPECTATOR, 27 January 1849, which acknowledged BRITISH COLONIST, 26 January 1849, as its source, GLOBE, 27 January 1849, PROVINCIALIST, 29 January 1849, ST. CATHARINES JOURNAL, 1 February 1849, and PRINCE EDWARD GAZETTE, 2 February 1849, in identical accounts. Commentaries appeared in PILOT, 26 January 1849, MONTREAL GAZETTE, 26 January 1849, LE JOURNAL DE QUEBEC, 27 January 1849, and GLOBE, 27 January 1849. Whenever selections are taken from the identical accounts in MONTREAL GAZETTE, 26 January 1849, and HAMILTON SPECTATOR, 3 February 1849, the latter will be reproduced as it is much more legible. For the same reason, LE JOURNAL DE QUEBEC, 15 February 1849, will be used for Cauchon's long speech rather than LA MINERVE, 7, 8 February 1849.
6. PILOT, 26 January 1849.
7. HAMILTON SPECTATOR, 3 February 1849.
8. PILOT, 26 January 1849.
9. HAMILTON SPECTATOR, 3 February 1849.
10. PILOT, 26 January 1849.
11. HAMILTON SPECTATOR, 3 February 1849.
12. PILOT, 26 January 1849.
13. HAMILTON SPECTATOR, 3 February 1849.
14. PILOT, 26 January 1849.
15. HAMILTON SPECTATOR, 3 February 1849.
16. PILOT, 26 January 1849.
17. HAMILTON SPECTATOR, 3 February 1849.
18. PILOT, 26 January 1849.
19. HAMILTON SPECTATOR, 3 February 1849.
20. PILOT, 26 January 1849.
21. HAMILTON SPECTATOR, 3 February 1849.
22. PILOT, 26 January 1849.
23. HAMILTON SPECTATOR, 3 February 1849.
24. PILOT, 26 January 1849.
25. HAMILTON SPECTATOR, 3 February 1849.

26. PILOT, 26 January 1849.
27. HAMILTON SPECTATOR, 3 February 1849.
28. L'AVENIR, 3 February 1849.
29. HAMILTON SPECTATOR, 3 February 1849.
30. PILOT, 26 January 1849.
31. HAMILTON SPECTATOR, 3 February 1849.
32. PILOT, 26 January 1849.
33. HAMILTON SPECTATOR, 3 February 1849.
34. PILOT, 26 January 1849.
35. HAMILTON SPECTATOR, 3 February 1849.
36. PILOT, 26 January 1849.
37. HAMILTON SPECTATOR, 3 February 1849.
38. PILOT, 26 January 1849.
39. HAMILTON SPECTATOR, 3 February 1849.
40. PILOT, 26 January 1849.
41. HAMILTON SPECTATOR, 3 February 1849.
42. PILOT, 26 January 1849.
43. HAMILTON SPECTATOR, 3 February 1849.
44. PILOT, 26 January 1849.
45. HAMILTON SPECTATOR, 3 February 1849.
46. PILOT, 26 January 1849.
47. HAMILTON SPECTATOR, 3 February 1849.
48. PILOT, 26 January 1849.
49. HAMILTON SPECTATOR, 3 February 1849.
50. PILOT, 26 January 1849. The HAMILTON SPECTATOR, 3 February 1849, states that "not any" of the present Seigniors were descendants of the original grantees.
51. HAMILTON SPECTATOR, 3 February 1849.
52. PILOT, 26 January 1849.
53. HAMILTON SPECTATOR, 3 February 1849.
54. PILOT, 26 January 1849.
55. HAMILTON SPECTATOR, 3 February 1849.
56. PILOT, 26 January 1849.
57. HAMILTON SPECTATOR, 3 February 1849.
58. PILOT, 26 January 1849.
59. HAMILTON SPECTATOR, 3 February 1849.
60. PILOT, 26 January 1849.
61. IBID.
62. HAMILTON SPECTATOR, 3 February 1849.
63. PILOT, 26 January 1849.
64. HAMILTON SPECTATOR, 3 February 1849.
65. PILOT, 26 January 1849.
66. HAMILTON SPECTATOR, 3 February 1849.
67. PILOT, 26 January 1849.
68. HAMILTON SPECTATOR, 3 February 1849.
69. PILOT, 26 January 1849.
70. HAMILTON SPECTATOR, 3 February 1849.
71. PILOT, 26 January 1849.
72. HAMILTON SPECTATOR, 3 February 1849.
73. PILOT, 26 January 1849.



74. L'AVENIR, 3 February 1849.
75. IBID.
76. IBID.
77. LE JOURNAL DE QUEBEC, 15 February 1849.
78. L'AVENIR, 3 February 1849.
79. LE JOURNAL DE QUEBEC, 15 February 1849.
80. L'AVENIR, 3 February 1849.
81. LE JOURNAL DE QUEBEC, 15 February 1849.
82. IBID.
83. L'AVENIR, 3 February 1849.
84. LE JOURNAL DE QUEBEC, 15 February 1849.
85. L'AVENIR, 3 February 1849.
86. LE JOURNAL DE QUEBEC, 15 February 1849.
87. L'AVENIR, 3 February 1849.
88. LE JOURNAL DE QUEBEC, 15 February 1849.
89. L'AVENIR, 3 February 1849.
90. LE JOURNAL DE QUEBEC, 15 February 1849.
91. L'AVENIR, 3 February 1849.
92. LE JOURNAL DE QUEBEC, 3 February 1849.
93. L'AVENIR, 3 February 1849.
94. LE JOURNAL DE QUEBEC, 15 February 1849.
95. L'AVENIR, 3 February 1849.
96. LE JOURNAL DE QUEBEC, 15 February 1849.
97. L'AVENIR, 3 February 1849.
98. LE JOURNAL DE QUEBEC, 15 February 1849.
99. L'AVENIR, 3 February 1849.
100. LE JOURNAL DE QUEBEC, 15 February 1849.
101. L'AVENIR, 3 February 1849.
102. LE JOURNAL DE QUEBEC, 15 February 1849.
103. L'AVENIR, 3 February 1849.
104. LE JOURNAL DE QUEBEC, 15 February 1849.
105. L'AVENIR, 3 February 1849.
106. LE JOURNAL DE QUEBEC, 15 February 1849.
107. L'AVENIR, 3 February 1849.
108. LE JOURNAL DE QUEBEC, 15 February 1849.
109. L'AVENIR, 3 February 1849.
110. IBID.
111. LE JOURNAL DE QUEBEC, 15 February 1849.
112. L'AVENIR, 3 February 1849.
113. LE JOURNAL DE QUEBEC, 15 February 1849.
114. L'AVENIR, 3 February 1849.
115. LE JOURNAL DE QUEBEC, 15 February 1849.
116. L'AVENIR, 3 February 1849.
117. LE JOURNAL DE QUEBEC, 15 February 1849.
118. L'AVENIR, 3 February 1849.
119. LE JOURNAL DE QUEBEC, 15 February 1849.
120. L'AVENIR, 3 February 1849.
121. LE JOURNAL DE QUEBEC, 15 February 1849.
122. L'AVENIR, 3 February 1849.
123. LE JOURNAL DE QUEBEC, 15 February 1849.
124. L'AVENIR, 3 February 1849.

125. LE JOURNAL DE QUEBEC, 15 February 1849.
126. L'AVENIR, 3 February 1849.
127. LE JOURNAL DE QUEBEC, 15 February 1849.
128. L'AVENIR, 3 February 1849.
129. LE JOURNAL DE QUEBEC, 15 February 1849.
130. L'AVENIR, 3 February 1849.
131. LE JOURNAL DE QUEBEC, 15 February 1849.
132. L'AVENIR, 3 February 1849.
133. LE JOURNAL DE QUEBEC, 15 February 1849.
134. L'AVENIR, 3 February 1849.
135. LE JOURNAL DE QUEBEC, 15 February 1849.
136. L'AVENIR, 3 February 1849.
137. LE JOURNAL DE QUEBEC, 15 February 1849.
138. L'AVENIR, 3 February 1849.
139. LE JOURNAL DE QUEBEC, 15 February 1849.
140. L'AVENIR, 3 February 1849.
141. LE JOURNAL DE QUEBEC, 15 February 1849.
142. L'AVENIR, 3 February 1849.
143. LE JOURNAL DE QUEBEC, 15 February 1849.
144. L'AVENIR, 3 February 1849.
145. LE JOURNAL DE QUEBEC, 15 February 1849.
146. L'AVENIR, 3 February 1849.
147. LE JOURNAL DE QUEBEC, 15 February 1849.
148. L'AVENIR, 3 February 1849.
149. LE JOURNAL DE QUEBEC, 15 February 1849.
150. L'AVENIR, 3 February 1849.
151. LE JOURNAL DE QUEBEC, 15 February 1849.
152. L'AVENIR, 3 February 1849.
153. LE JOURNAL DE QUEBEC, 15 February 1849.
154. L'AVENIR, 3 February 1849.
155. LE JOURNAL DE QUEBEC, 15 February 1849.
156. L'AVENIR, 3 February 1849.
157. LE JOURNAL DE QUEBEC, 15 February 1849.
158. L'AVENIR, 3 February 1849.
159. LE JOURNAL DE QUEBEC, 15 February 1849.
160. L'AVENIR, 3 February 1849.
161. LE JOURNAL DE QUEBEC, 15 February 1849.
162. L'AVENIR, 3 February 1849.
163. LE JOURNAL DE QUEBEC, 15 February 1849.
164. L'AVENIR, 3 February 1849.
165. LE JOURNAL DE QUEBEC, 15 February 1849.
166. L'AVENIR, 3 February 1849.
167. LE JOURNAL DE QUEBEC, 15 February 1849.
168. L'AVENIR, 3 February 1849.
169. LE JOURNAL DE QUEBEC, 15 February 1849.
170. L'AVENIR, 3 February 1849.
171. LE JOURNAL DE QUEBEC, 15 February 1849.
172. L'AVENIR, 3 February 1849.
173. LE JOURNAL DE QUEBEC, 15 February 1849.
174. L'AVENIR, 3 February 1849.
175. LE JOURNAL DE QUEBEC, 15 February 1849.



176. L'AVENIR, 3 February 1849.
177. LE JOURNAL DE QUEBEC, 15 February 1849.
178. L'AVENIR, 3 February 1849.
179. LE JOURNAL DE QUEBEC, 15 February 1849.
180. L'AVENIR, 3 February 1849.
181. LE JOURNAL DE QUEBEC, 15 February 1849.
182. L'AVENIR, 3 February 1849.
183. LE JOURNAL DE QUEBEC, 15 February 1849.
184. L'AVENIR, 3 February 1849.
185. LE JOURNAL DE QUEBEC, 15 February 1849.
186. L'AVENIR, 3 February 1849.
187. LE JOURNAL DE QUEBEC, 15 February 1849.
188. L'AVENIR, 3 February 1849.
189. LE JOURNAL DE QUEBEC, 15 February 1849.
190. L'AVENIR, 3 February 1849.
191. LE JOURNAL DE QUEBEC, 15 February 1849.
192. L'AVENIR, 3 February 1849.
193. LE JOURNAL DE QUEBEC, 15 February 1849.
194. L'AVENIR, 3 February 1849.
195. LE JOURNAL DE QUEBEC, 15 February 1849.
196. L'AVENIR, 3 February 1849.
197. LE JOURNAL DE QUEBEC, 15 February 1849.
198. L'AVENIR, 3 February 1849.
199. LE JOURNAL DE QUEBEC, 15 February 1849.
200. L'AVENIR, 3 February 1849.
201. LE JOURNAL DE QUEBEC, 15 February 1849.
202. L'AVENIR, 3 February 1849.
203. LE JOURNAL DE QUEBEC, 15 February 1849.
204. L'AVENIR, 3 February 1849.
205. LE JOURNAL DE QUEBEC, 15 February 1849.
206. L'AVENIR, 3 February 1849.
207. LE JOURNAL DE QUEBEC, 15 February 1849.
208. L'AVENIR, 3 February 1849.
209. LE JOURNAL DE QUEBEC, 15 February 1849.
210. PILOT, 26 January 1849.
211. HAMILTON SPECTATOR, 3 February 1849.
212. IBID.
213. PILOT, 26 January 1849.
214. IBID.
215. IBID.
216. IBID.
217. PILOT, 26 January 1849, which noted that: "The hon. member spoke so low that we could not distinctly hear what he said".
218. HAMILTON SPECTATOR, 3 February 1849.
219. PILOT, 26 January 1849.
220. IBID.
221. HAMILTON SPECTATOR, 3 February 1849.
222. PILOT, 26 January 1849.
223. HAMILTON SPECTATOR, 3 February 1849.
224. IBID.
225. PILOT, 26 January 1849.

226. HAMILTON SPECTATOR, 3 February 1849.
227. L'AVENIR, 3 February 1849.
228. HAMILTON SPECTATOR, 3 February 1849.
229. L'AVENIR, 3 February 1849.
230. HAMILTON SPECTATOR, 3 February 1849.
231. L'AVENIR, 3 February 1849.
232. HAMILTON SPECTATOR, 3 February 1849.
233. IBID.
234. L'AVENIR, 3 February 1849.
235. HAMILTON SPECTATOR, 3 February 1849.
236. IBID.
237. IBID.
238. L'AVENIR, 3 February 1849.
239. HAMILTON SPECTATOR, 3 February 1849.
240. L'AVENIR, 3 February 1849.
241. HAMILTON SPECTATOR, 3 February 1849.
242. L'AVENIR, 3 February 1849.
243. HAMILTON SPECTATOR, 3 February 1849.
244. L'AVENIR, 3 February 1849.
245. HAMILTON SPECTATOR, 3 February 1849.
246. L'AVENIR, 3 February 1849.
247. HAMILTON SPECTATOR, 3 February 1849.
248. L'AVENIR, 3 February 1849.
249. HAMILTON SPECTATOR, 3 February 1849.
250. L'AVENIR, 3 February 1849.
251. HAMILTON SPECTATOR, 3 February 1849.
252. IBID.
253. PILOT, 26 January 1849.
254. HAMILTON SPECTATOR, 3 February 1849.
255. The HAMILTON SPECTATOR, 3 February 1849, refers to the "English aristocracy."
256. PILOT, 26 January 1849.
257. HAMILTON SPECTATOR, 3 February 1849.
258. PILOT, 26 January 1849.
259. HAMILTON SPECTATOR, 3 February 1849.
260. PILOT, 26 January 1849.
261. HAMILTON SPECTATOR, 3 February 1849.
262. PILOT, 26 January 1849.
263. HAMILTON SPECTATOR, 3 February 1849.
264. PILOT, 26 January 1849.
265. HAMILTON SPECTATOR, 3 February 1849.
266. PILOT, 26 January 1849.
267. HAMILTON SPECTATOR, 3 February 1849.
268. PILOT, 26 January 1849.
269. IBID.
270. IBID.
271. HAMILTON SPECTATOR, 3 February 1849.
272. PILOT, 26 January 1849.
273. HAMILTON SPECTATOR, 3 February 1849.
274. PILOT, 26 January 1849.
275. HAMILTON SPECTATOR, 3 February 1849.



- 276. PILOT, 26 January 1849.
- 277. HAMILTON SPECTATOR, 3 February 1849.
- 278. PILOT, 26 January 1849.
- 279. HAMILTON SPECTATOR, 3 February 1849.
- 280. PILOT, 26 January 1849.
- 281. HAMILTON SPECTATOR, 3 February 1849.
- 282. PILOT, 26 January 1849.
- 283. HAMILTON SPECTATOR, 3 February 1849.
- 284. PILOT, 26 January 1849.
- 285. HAMILTON SPECTATOR, 3 February 1849.
- 286. PILOT, 26 January 1849.
- 287. IBID.
- 288. HAMILTON SPECTATOR, 3 February 1849.
- 289. PILOT, 26 January 1849.
- 290. HAMILTON SPECTATOR, 3 February 1849.
- 291. PILOT, 26 January 1849.
- 292. IBID.
- 293. IBID.
- 294. HAMILTON SPECTATOR, 3 February 1849.
- 295. IBID.
- 296. IBID.
- 297. IBID.
- 298. IBID.
- 299. IBID.
- 300. IBID.
- 301. IBID.
- 302. PILOT, 26 January 1849.
- 303. HAMILTON SPECTATOR, 3 February 1849.
- 304. PILOT, 26 January 1849.
- 305. HAMILTON SPECTATOR, 3 February 1849.
- 306. IBID.
- 307. IBID.
- 308. IBID.
- 309. PILOT, 26 January 1849.
- 310. HAMILTON SPECTATOR, 3 February 1849.
- 311. PILOT, 26 January 1849.
- 312. HAMILTON SPECTATOR, 3 February 1849.
- 313. PILOT, 26 January 1849.
- 314. HAMILTON SPECTATOR, 3 February 1849.
- 315. PILOT, 26 January 1849.
- 316. HAMILTON SPECTATOR, 3 February 1849.
- 317. PILOT, 26 January 1849.
- 318. HAMILTON SPECTATOR, 3 February 1849.
- 319. PILOT, 26 January 1849.
- 320. HAMILTON SPECTATOR, 3 February 1849.
- 321. PILOT, 26 January 1849.
- 322. HAMILTON SPECTATOR, 3 February 1849.
- 323. PILOT, 26 January 1849.
- 324. IBID. HAMILTON SPECTATOR, 3 February 1849, reported that he spoke  
"with much vehemence."
- 325. PILOT, 26 January 1849.

- 326. HAMILTON SPECTATOR, 3 February 1849.
- 327. IBID.
- 328. IBID.
- 329. PILOT, 26 January 1849.
- 330. HAMILTON SPECTATOR, 3 February 1849.
- 331. PILOT, 26 January 1849.
- 332. IBID.
- 333. HAMILTON SPECTATOR, 3 February 1849.
- 334. PILOT, 26 January 1849.
- 335. IBID.
- 336. HAMILTON SPECTATOR, 3 February 1849.
- 337. PILOT, 26 January 1849.
- 338. HAMILTON SPECTATOR, 3 February 1849.
- 339. PILOT, 26 January 1849.
- 340. HAMILTON SPECTATOR, 3 February 1849.
- 341. PILOT, 26 January 1849.
- 342. HAMILTON SPECTATOR, 3 February 1849.
- 343. PILOT, 26 January 1849.
- 344. IBID.
- 345. IBID.
- 346. IBID.
- 347. IBID.
- 348. IBID.
- 349. HAMILTON SPECTATOR, 3 February 1849.
- 350. PILOT, 26 January 1849.
- 351. HAMILTON SPECTATOR, 3 February 1849.
- 352. PILOT, 26 January 1849.
- 353. HAMILTON SPECTATOR, 3 February 1849.
- 354. L'AVENIR, 7 February 1849.
- 355. HAMILTON SPECTATOR, 3 February 1849.
- 356. IBID.
- 357. IBID.
- 358. L'AVENIR, 7, 10 February 1849.
- 359. PILOT, 26 January 1849.
- 360. HAMILTON SPECTATOR, 3 February 1849.
- 361. IBID.
- 362. The debate on this matter was reported by: PILOT, 26 January 1849, BRITISH WHIG, 30 January 1849, which acknowledged its source as PILOT, and BATHURST COURIER, 2 February 1849, in identical accounts.
- 363. PILOT, 26 January 1849.
- 364. The debate on this matter was reported by: PILOT, 26 January 1849, BRITISH WHIG, 30 January 1849, which acknowledged PILOT as its source, and BATHURST COURIER, 2 February 1849, in identical accounts.
- 365. PILOT, 26 January 1849.
- 366. The debate on this matter was reported by: MONTREAL GAZETTE, 26 January 1849, HAMILTON SPECTATOR, 31 January 1849, and STANSTEAD JOURNAL, 1 February 1849, in identical accounts.
- 367. HAMILTON SPECTATOR, 31 January 1849.
- 368. IBID.
- 369. IBID.
- 370. IBID.



- 371. IBID.
- 372. The debate on this matter was reported by: MONTREAL GAZETTE, 26 January 1849, HAMILTON SPECTATOR, 31 January 1849, STANSTEAD JOURNAL, 1 February 1849, and BROCKVILLE RECORDER, 1 February 1849, in identical accounts; PILOT, 26 January 1849, and GLOBE, 31 January 1849, in identical accounts.
- 373. PILOT, 26 January 1849.
- 374. HAMILTON SPECTATOR, 31 January 1849.
- 375. PILOT, 26 January 1849.
- 376. HAMILTON SPECTATOR, 31 January 1849.
- 377. PILOT, 26 January 1849.
- 378. HAMILTON SPECTATOR, 31 January 1849.
- 379. IBID.
- 380. PILOT, 26 January 1849.

THURSDAY, 25 JANUARY 1849.

(27)

The House  
attend His  
Excellency  
with their  
Address.

AT the hour appointed, Mr. Speaker and the House attended upon His Excellency the Governor General, with the Address of the House.

And being returned;

Mr. Speaker reported, that the House had attended upon His Excellency with their Address in answer to the Speech of His Excellency to both Houses of the Legislature, to which His Excellency was pleased to make the following Answer:

His Excellency's  
Answer.

Gentlemen of the Legislative Assembly,

I thank you for your Address, and I assure you of my entire reliance upon your wisdom and prudence to assist me in whatever may tend to augment the prosperity of the people of Canada.

Stormont  
Election.

Mr. Jobin, Chairman of the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Stormont, reported, That the Committee met this morning, at ten o'clock, but were unable to proceed to business in consequence of the absence of Mr. Bell, Mr. Hall, and the Honorable Mr. Boulton.

Ordered, That Mr. Bell, Mr. Hall, and the Honorable Mr. Boulton, do severally attend in their places, in this House, to-morrow.

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Scott of Two Mountains,--The Petition of the Reverend P. J. Crevier and others, of the Parish of St. Augustin; the Petition of H. M. LeMaire and others, of the Parish of St. Benoit, County of Two Mountains; the Petition of the Reverend H. Moreau and others, of the Parish of St. Eustache, County of Two Mountains; and the Petition of the Reverend F. Bonin and others, of the Parish of Ste. Scholastique.

By Mr. Johnson,--The Petition of Alexander Parker and others, of Caledonia and other Townships in the District of Ottawa.

By Mr. Marquis,--The Petition of the Corporation of the College Ste. Anne Lapocatière.

By the Honorable Mr. Cameron, of Kent,--The Petition of James F. Fair, and others, of the united Townships of Dalhousie and Levant; and the Petition of N. L. Freeman and others, of the Western District.

By Mr. M'Farland,--The Petition of the Municipal Council of the District of Niagara, (Ale houses); and the Petition of John Clark, Esquire, President, on behalf of the Niagara District Argicultural Society.

By Mr. Thompson,--The Petition of the Municipal Council of the District of Niagara, (reconstruction of General Brock's Monument); the Petition of John Tucker Williams, Esquire, of the Township of Hope, District of Newcastle; and the Petition of the Municipal Council of the District of Niagara (Assessment).

By Mr. Sauvageau,--The Petition of Pierre D. Hébert and others, of St. Cyprien, District of Montreal; and the Petition of François Foucroult and others, of the Counties of Chambly, Rouville, and Huntingdon.



By Mr. Fortier,--The Petition of the Reverend M. Duguay and others, of Arthabaska, Chester, and Warwick.

By Mr. Wetenhall,--The Petition of the Municipal Council of the District of Wellington (Roads); the Petition of the Municipal Council of the District of Wellington (Road allowances); the Petition of Andrew Geddes

(28)

and others of the Districts of Wellington and Gore; and the Petition of John S. M'Collom and others, of the Township of Nelson, District of Gore.

By Mr. Laurin,--The Petition of Edouard Normand, of the Parish of Ste. Marie Magdeleine du Cap de la Magdeleine, carpenter; and the Petition of the Reverend William Dunn and others, of the Township of Frampton.

By Mr. Méthot,--The Petition of James M'Kenzie and others, Merchants, Ship-riggers, and others interested in the trade of Ship-building at Quebec.

By Mr. Watts,--The Petition of the Lower Canada Agricultural Society; the Petition of G. L. Marler, Esquire, and others, of the County of Drummond; the Petition of W. C. Baynes, Esquire, of the Township of Kingsey; and the Petition of W. Montgomery, of the Township of Durham.

By Mr. Stevenson,--The Petition of Thomas Bowerman and others, of the Townships of Sophiasburg and Hallowell, District of Prince Edward.

By Mr. Holmes,--The Petition of the Canada Baptist Union (King's College); and the Petition of the Canada Baptist Union (Clergy Reserves).

By Mr. Notman,--The Petition of the Warden of the District of London.

By Mr. Scott, of Bytown,--The Petition of J. Scott, Esquire, M. P. P., and others, of the District of Ottawa; and the Petition of the Sisters of Charity of the General Hospital Bytown.

By the Honorable Mr. Macdonald,--The Petition of the Corporation of the City of Kingston, and of divers inhabitants of the said City.

By Mr. Taché,--The Petition of B. H. Charlebois, Esquire, and others, Physicians and Surgeons of Lower Canada.

By Mr. Chauveau,--The Petition of Robert Cassels and others of the District of Quebec, and others; the Petition of Joseph Bedard, Esquire, and others, of the Parish of Charlesbourg and other places; the Petition of the Reverend François Boucher and others, of the Parish of St. Ambroise and other places; the Petition of the Reverend E. Payment and others, of the Parish of Charlesbourg and other places (Road); the Petition of the Municipal Council, and of divers inhabitants of St. Ambroise de la Jeune Lorette; the Petition of the Honorable Louis Panet and others, Electors and Freeholders of the County of Quebec; the Petition of John M'Cormick, supernumery Tidewaiter, of Quebec; the Petition of the Reverend E. Payment and others, of the Parish of Charlesbourg, County of Quebec (Dorchester Bridge); and the Petition of Thomas W. Lloyd, President, and others, Officers and Members of the St. George's Society of Quebec.

By the Honorable Mr. Merritt,--The Petition of the Grand River Navigation Company (increase of Capital); the Petition of the Grand River Navigation Company (Loan); the Petition of the Niagara Falls Suspension Bridge Company; and the Petition of John Vandal Ham, of the Township of Murray, District of Newcastle.

By Mr. Egan,--The Petition of the Right Reverend the Bishop of Bytown (Incorporation of College); the Petition of the Right Reverend the Bishop of Bytown (Sisters of Charity); the Petition of the Right Reverend the Bishop of Bytown (aid for College).

By Mr. Jobin,--The Petition of Louis Comte, of the City of Montreal, Master Mason and Contractor.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of L. G. Brown, Esquire, and others, of the Parishes of Ste. Martine and St. Clément, in the County of Beauharnois; praying that the privilege intended to be petitioned for by M. A. Primeau and A. A. Trottier and others, of making a Plank Road and erecting a Bridge and collecting tolls thereon in the said County, may be granted.

Of the Reverend E. H. Blyth and others, of the Parish of Ste. Martine de Beauharnois; praying that the privilege intended to be petitioned for by M. A. Primeau and A. A. Trottier and others of erecting a Bridge over Chateauguay be not granted.

Of Alexis Rivard and others, of the County of Rimouski; praying that the said County be set apart as a separate District, and the District Town be situated in the Parish of St. Germain de Rimouski,--that a Custom House be established for the said County, with the Parish of St. Germain for a sea port,--that a Harbour be constructed for that purpose,--and that the price of Crown Lands be reduced, and a longer term allowed for payment.

Of James Blackburn and others, of the County of Ottawa; praying that measures be adopted to obtain the repeal of the Navigation Laws.

Of Joseph Aumond and others, of the County of Ottawa; representing the great injury sustained by the Lumber trade, in consequence of the erection of certain Toll Bridges at the Sault au Recollet, on the Rivière des Prairies,--and praying that the Acts authorizing the erection of the said Bridges be so amended as to obviate the evil.

Of Charles Symmes and others, of the County of Ottawa; praying for certain amendments to the Common School Law.

Of James Wadsworth and others of the County of Ottawa, and others residing on the shores of the River Ottawa and its tributaries; praying to be relieved from the payment of all Duties on imported Mess Pork consumed in the Lumber Trade.

Of Frederic Tremblay and others, of the Parish of Baie St. Paul, County of Saguenay; praying indemnification for loss sustained by them in the construction of a Road between the said Parish and that of St. Joachim.

Of the Reverend François Boucher and others, of the Parish of St. Ambroise de la Jeune Lorette, District of Quebec; praying aid to open a Road from Lake St. Jean to Chicoutimi or the Grand Brulé.

Of Michel Henrichon and others, of the Côte St. Paul, in the Parish of Montreal; complaining of the danger to and destruction of property by the fires of Steamboats in the Lachine Canal, and praying relief.

Of François Denault dit Jérémie, of the City of Montreal; praying indemnification for alleged losses on contracts for public works, or, at least compensation for the work performed by him.

Of Daniel M'Pherson and others, of the Town of Stratford, and other places in the eastern section of the District of Huron; praying that that section of the said District be set apart and erected into a new District to be called the District of Peel.

Of the City Council of the City of Kingston; praying for certain amendments to their Act of Incorporation.

Of J. O. Alfred Turgeon, Esquire, and others, of the Counties of



Terrebonne and Leinster; praying aid to render navigable a certain part of the River Jésus communicating between Terrebonne and the River St. Lawrence.

Of A. Rankin, Esquire, and others; praying to be incorporated as the "Huron Copper Bay Company."

Of the Municipal Council of the Municipality of St. Hyacinthe; praying for the abolition of Seigniorial Tenures,--for the repeal of the Navigation Laws,--for aid and encouragement in the completion of the St. Lawrence and Atlantic Railroad,--for the indemnification of the Sufferers by the

(29)

Troubles of 1837-38,--for the establishment of Model Farms,--that the practice of Circuit Courts be made uniform,--that the Municipal Council Act be amended,--and that aid be granted to the Seminary of St. Hyacinthe.

Of E. Couillard Després, Esquire, Surveyor; praying indemnification for loss to a certain amount sustained by him in the erection of the Gaol and Court House of the County of St. Hyacinthe.

Of the Municipal Council of the District of Gore; praying that the Townships of Seneca and Oneida may be attached to the County of Wentworth for all purposes.

Of the Municipal Council of the District of Gore; praying that the proposed division of that District be not made.

Of the Municipal Council of the District of Gore; praying that the Municipal Council Act be so amended as to enable the several District Councils to remunerate their Wardens as they may deem proper.

Of the Municipal Council of the District of Gore; praying to be authorized to grant Licenses of occupation or conveyances for original allowances for Roads in that District.

Of the Municipal Council of the District of Gore; praying that the duties of making out the Assessment Rolls may be placed under the control of the District Councils.

Of George Thomson and others, of West Flamborough and other Townships, in the District of Gore; complaining of the unequal distances at which the Toll Gates on the Macadamized Road through the said Townships are placed, and praying relief.

Of V. P. W. Dorion and others, members of the "Institut Canadien" of Montreal; praying an Act of Incorporation.

Of Daniel M'Callum, of the Seignior of Foucault, County of Rouville, yeoman; praying indemnification for the loss of his property destroyed by political incendiaries in the year 1839.

Of M. Townsend and others, the Board of Directors of the Clarenceville Academy, County of Rouville; praying an increased aid in support of the said Institution.

Of Alexandre Louis Gouin and others, Municipal Councillors of the Municipality of Yamaska; praying for the abolition of the Tenures en fief and en censive in Lower Canada.

On motion of Mr. Thompson, seconded by Mr. Smith, of Durham,

Banks and Insurance Companies.

Ordered, That the Officers connected with the several Chartered Banks and Insurance Companies of the Province be, respectively, directed to lay before this House, the Statements of the affairs of the said Banks and Insurance Companies, as required by their Acts of Incorporation.

*On motion of the Honorable Mr. Sherwood, seconded by the Honorable Mr. Macdonald,*

Usury Laws.

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, all Communications which have passed between Her Majesty's Secretary of State for the Colonies and His Excellency, upon the subject of the repeal or modification of the Usury Laws, and all other documents which may be in the possession of the Government relating thereto.*

*Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.*

MR. J. A. MACDONALD<sup>1</sup> of Kingston, moved, that an address be presented His Excellency, praying for a copy of the Presentment of the Grand Jury for the Midland District, relative to the conduct of George Brown, one of the commissioners appointed for investigating the state of the Provincial Penitentiary (sic); and in doing so, he stated that the reason for which he desired to have the papers were, that a person of the name of McCarthy, had, in giving his evidence upon oath before the commissioners, charged a highly respectable gentleman, belonging to Kingston, with a felony or misdemeanor, he did not recollect which. Mr. Hopkirk, the gentleman accused, immediately upon hearing of the statement of McCarthy, went before the grand Jury of the District, the Assizes being then sitting, and preferred a charge of wilful perjury against him. The Grand Jury heard Mr. Hopkirk, and his witness, and summoned Mr. George Brown, one of the Penitentiary Commissioners, and who, as Secretary to the Commission, was possessed of the evidence taken before the Commission. Mr. Brown went before the Grand Jury, but refused to disclose any evidence given before the Commissioners, alleging that it might prove prejudicial to the public interests to do so, but stating, that if he was ordered to give his evidence by the Judge, he would comply. This stopped all proceedings on the part of the Jury, who, however, presented the matter to the Court, when the Judge referred the matter to the Crown Officer. Now, he (Mr. McD.) wished to get the papers, in order to ascertain the reasons which induced Mr. Brown to decline giving his evidence, and also to learn why the Crown Officer had not taken any steps in the matter after it was referred to him.<sup>2</sup>

MR. AT. GEN. BALDWIN said he understood that, when Mr. Brown was before the Grand Jury, he stated that he could not give the evidence required, because it would be injurious to the public service. This was mentioned to Mr. Justice Draper, and if he had ordered the evidence to be given, he supposed the witness would have been compelled to give the evidence. But the Crown prosecutor did not press the matter, nor did the private prosecutor, as he might have done.<sup>3</sup>

COL. PRINCE hoped that the motion would be persisted in, and characterized the conduct of Mr. Brown as exceedingly improper, and also<sup>4</sup> complained that the Crown prosecutor ought to have pressed the Court to order the witness to reply. The Crown prosecutor was too young to do the business as it ought to be done. The Judge too, ought to have made Mr. Brown give evidence.<sup>5</sup> The apology of the Attorney General West was exceedingly lame and puerile.<sup>6</sup>



MR. H. SMITH said, that what showed the injustice of this case was, that a person was accused of perjury before the Grand Jury, and who could not be proceeded against on account of this want to evidence, was afterwards received as a witness by the Commission.<sup>7</sup>

MR. BOULTON did not know anything about the facts of the case, but he deprecated anything like an interference with the administration of criminal justice.<sup>8</sup> That House was not the place to judge the Judges.<sup>9</sup> If Mr. Brown or any other person, no matter what office he held or however high his position, had refused to give evidence before a court of justice, he was liable to be punished for it.<sup>10</sup>

MR. AT. GEN. BALDWIN had no objection to give these papers, but he did not see what good they would do to any one.<sup>11</sup>

Some remarks ((were made by)) ... SIR A. MACNAB.--<sup>12</sup>

MR. RICHARDS defended the course he adopted in the matter as crown officer.<sup>13</sup> It seemed to him that the hon. and gallant Knight from Hamilton misapprehended this matter. Mr. Geo. Brown did not refuse to go before the Grand Jury; on the contrary, he went before them, but he stated that he could not with propriety disclose the evidence taken before the Commission till he had made his report, but that if the Court thought it right that he should do so, he would do it. (Hear, hear.) He (Mr. Richards) had conducted the business for the Circuit, but he had not been acquainted with the facts of the case, or called upon to take any steps in it.<sup>14</sup> In answer to a remark that had been made by Col. Prince that he was an inexperienced person to conduct the Crown business, he (Mr. R.) might not be so old in years as the hon. member for Essex, but he was, he believed, senior to him at the bar; and he was called to the bar in the usual course, after the usual education in Upper Canada. He was not made a Barrister, like the hon. member, by an Act of Parliament.<sup>15</sup>

COL. PRINCE replied, if he was made a Barrister by Act of Parliament, it was not before he had practised the Law in the Courts in England, for many years. He was proud of being admitted to practice the Law in this country, by Act of Parliament. There was something in the preamble of that Act, which, however, appeared to tickle the ears of the members opposite; but he was proud of what was stated there, and it was the only reward he had ever obtained from any Government.<sup>16</sup> Col. Prince made an allusion to the events of 1837, and the present conduct of the administration relative to those events<sup>17</sup>.

MR. SOL. GEN. BLAKE.--The hon. and gallant Colonel talked about making their ears tingle, but if he had heard what had been said in the House of Lords about the conduct which he was so proud of, he would have heard something which would have made his tingle.<sup>18</sup>

COL. PRINCE said he might have laughed.<sup>19</sup>

MR. SOL. GEN. BLAKE.--But humanity would have wept.<sup>20</sup>

COL. PRINCE.--The radical part of humanity might have wept.<sup>21</sup>

MR. SOL. GEN. BLAKE.--It was the province of radical humanity to weep over murder.<sup>22</sup>

COL. PRINCE.--No Member was justified in applying that word towards him, and he was happy to say that his conduct had been approved of by the whole House of Lords, with the eminent exception of that mad philosopher, Lord Brougham; and<sup>23</sup> ((he)) called the Hon. Sol. Gen. to order through the Chair, observing that if such a term was again made use of respecting him, he should hold the hon. and learned member personally responsible.<sup>24</sup>

MR. SOL. GEN. BLAKE acknowledged the responsibility, but he thought such matters should be buried in oblivion on both sides of the House.<sup>25</sup>

Further conversation ((ensued)) shared in by MESSRS. MACDONALD (Kingston), H. SHERWOOD, BLAKE, PRINCE, GUGY, and HINCKS.<sup>26</sup>

(29)

*On motion of the Honorable Mr. Macdonald, seconded by Sir Allan N. MacNab,*

Mr. George Brown.

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he may be pleased to direct the proper*

*Officer to lay before this House, a Copy of the Presentment of the Grand Jury of the Midland District at the last Court of Oyer and Terminer for that District, relative to the refusal of George Brown, Esquire, one of the Commissioners for investigating the affairs of the Provincial Penitentiary, to give evidence before the said Jury on a charge of Perjury perferred against one James M'Carthy.*

*Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.*

MR. J. A. MACDONALD,<sup>27</sup> of Kingston, inquired of the Ministers whether the Commissioners appointed to investigate the affairs of the Provincial Penitentiary, had made any report, if not, when they were likely to do so; and what salary or allowance had been paid to, or fixed for the Commission, and ... what was the estimated expence (sic) of the said Commission.<sup>28</sup>

MR. INSP. GEN. HINCKS answered that no report had yet been received, but that one was expected in the course of a few days, and would be immediately laid before the House. An allowance had been made to the Commissioners of £2 a day, including all expences (sic); and the expense of the Commission, as near as they could form an estimate of it, would amount to about £2,500.<sup>29</sup>

Hear, hear, from the Opposition<sup>30</sup> and cries of only £2,500.<sup>31</sup>

MR. INSP. GEN. HINCKS ((continued:)) He must however, remark that they were led to believe that there was going to be a saving of nearly an equal amount annually effected in consequence of the investigation, at least so Ministers were led to believe. (Hear.)<sup>32</sup>

COL. PRINCE.--By George Brown. (Laughter.)<sup>33</sup>

MR. J. A. MACDONALD<sup>34</sup> (Kingston) then moved for an Address to His Excellency for a copy of the Kingston Commission, instructions, and other papers relating thereto. He at the same time expressed his disapprobation of the course pursued by the Commissioners, and especially of the appointment of Mr. Brown, a gentleman who, previous to his appointment,



expressed a decided opinion, on the subject of the Penitentiary, in his newspaper. He also complained that the evidence against the Warden was taken for three months together, and signed by the worst villains of that collection of villains, before he had an opportunity of cross-examining them. Witnesses on the other side, on the contrary, were allowed to be constantly cross-examined as they gave their evidence. The charges against the Warden were eleven, divided into 131 counts, consisting of 221 pages, which again were subdivided into 690 portions, upon all which evidence was taken. Among these charges were some for acts which the Warden had done in obedience to the order of the Government, or to those of the Inspectors. Others were aiding and abetting in larceny, and when the Commission were applied to, to allow counsel to be present while evidence upon them was heard, the request was refused. He made these statements, not from his own knowledge, but upon information, which he was assured could be substantiated by the oath of competent witnesses. On the same authority he would state, that Mr. Brown took the evidence; and falsified the evidence, which afterwards, when the error was pointed out, he was with difficulty induced to alter, and which, in some cases, he would not alter. Mr. Brown had also told some of the witnesses that what they said was not true, but might go for what it was worth. One witness was cross-examined for 12 and a half consecutive days; and when he asked why he was subjected to so severe an examination, he was told, "You are the chief witness for the Warden, and it is our business to destroy your testimony." That witness replied that Government would do him justice, and he was told, "We are the officers of Government, and it must support us." The copy of a letter was produced by Mr. Brown as evidence against the Warden; and Mr. Brown declared upon his "honour that it was a correct copy of one written by the Warden. This the Warden denied, asserting that it was an ingenious extract from the real letter--everything favourable to the Warden being left out. He was informed that Mr. Brown's declaration could not be true; for the Warden, at that very time, had the letter in his pocket; that he produced it; and that when Mr. Brown saw it, he was confused, and asked why it was not in the archives. It was of great importance to have that fact in evidence, and Mr. Brown consented to give his testimony upon it. Afterwards, however, he refused to give his evidence; and when the Warden called up other witnesses to that fact, Mr. Brown would not allow the testimony to be entered on the notes. One of the charges against the Warden was, that he allowed Mr. Hopkirk to steal six cords of wood. The Commissioners examined a witness named Ballantine, one of the gate-keepers, who said he knew Mr. Hopkirk had the wood, and he knew that he had returned it. The other, named Cooper, only proved that Mr. Hopkirk had the wood, and his evidence alone was entered on the minutes; but he was now prepared to swear that the only reason he did not state that Mr. Hopkirk had returned it was, because he was not asked. The truth was, Mr. Hopkirk, on first coming to his house, had borrowed a little wood and returned it. He could go on all night with similar statements--<sup>35</sup>

MR. INSP. GEN. HINCKS--Of what you have heard.<sup>36</sup>

MR. J. A. MACDONALD--Yes, but it is only because Counsel and the Press were excluded that we are reduced to hear any evidence. He understood the Government had not approved--he did not profess to hold them responsible

for all the acts of the Commissioners--and he believed that amongst the acts which they did not approve was, the ejection of Mr. Smith from his house, at a day's notice, in the most inclement weather, and with his aged wife exceedingly sick.<sup>37</sup>

MR. AT. GEN. BALDWIN desired the consideration of this question to be deferred till the report came down. The history of the commission was this:--the many complaints of the Penitentiary had induced the late Government to determine on the appointment of a commission, and that intention the present Government carried out. They appointed persons not influenced by local excitement. The President was a gentleman universally respected, a distinguished member of the other House, and from early professional education peculiarly adapted for the duty of receiving evidence. Another gentleman, from Montreal, was a distinguished and active Magistrate, whose merits and qualifications were admitted on all hands. The third gentleman was also from Montreal, an eminent mercantile man, of the first respectability. Mr. Brown had, it is true, discussed the subject of the management of the Penitentiary in the Globe; but he had censured no individual connected with it, and seemed as if the circumstance of his attention having been directed that way made him more, rather than less, fit for the office of Commissioner. He thought the hon. gentleman had hardly dealt out to the commission that justice he claimed for the Warden, when he entered upon these statements, before the report was before the House. For his own part, it would give him sincere pleasure, if he could come to the conclusion, on seeing the report, that Mr. Smith ought to be reinstated; and it had given him great pain to learn that he had been obliged to leave his residence. At the same time it was obvious that a commission of this kind was appointed, because Government could not fulfil the duty themselves, and they could not be constantly interfering with those in whom they confided. He had heard, of the secrecy of the early part of the inquiry, that it arose from the desire of the Commissioners not to take evidence on all the charges which might be brought--some doubtless utterly futile. They wished, first, to ascertain what appeared to be grave accusations, and then to take the evidence upon them. The time occupied by the Commissioners was complained of even now, it would have taken a much longer time if every little charge had been gone into. Of course it was easy to make exparte complaints; but perhaps these would be explained when the other side was heard.<sup>38</sup>

COL. GUGY without entering into the question, informed the House, that when the proper time came, he would bring before it evidence sufficient to incapacitate two of the members from acting as Commissioners.<sup>39</sup>

COL PRINCE would not have said anything on the subject but for what had fallen from the hon. Attorney General West. No doubt the gentlemen who had been appointed on that Commission were of the highest respectability, and although he (Col. Prince) had the greatest respect for one of the three, (Mr. Brown), still he did not think that Mr. Brown was at all qualified for the responsible duties connected with the Commission. He might also state that the gentleman placed at the head of the Commission, no sooner found that the duties of the office ran counter to his interest other ways, than he neglected the business for which he had been appointed, and as a consequence he (Col. Prince) believed many things had transpired during



his absence which would not have taken place if he had been present. Col. Prince regretted this, but he believed such was the case. The hon. Attorney General West had pronounced a high eulogium on Mr. Brown, but he (Col. Prince) had seen several articles in the Toronto Globe virulently stigmatising the gentleman into whose case he was, as a Commissioner, bound to inquire. This, in Colonel Prince's opinion, was not the conduct which ought to have made Mr. Brown eligible as a Commissioner, neither did it place him in the position of being unprejudiced, but rather rendered him unfit for acting as a Commissioner--He (Col. Prince) did think it extremely hard treatment for the Government to deprive a gentleman, in the beginning of a severe Canadian winter, of his bread, as he did not think they intended to give him his salary. He believed Mr. Smith had received very unfair treatment. He had heard a gentleman state, at a large public meeting in Kingston, that the greatest partiality had been exhibited by Mr. Brown in taking the evidence during the sitting of the commission. That gentleman stated that Mr. Brown would not take down those parts of the evidence which went to exculpate Mr. Smith from charges made against him; and when Mr. Smith was called to sign the evidence, he objected that all was not down which he had stated. Mr. Brown, however, said that he must sign what was shown him, as, if he had said anything more, he had not heard him. This he could prove, if required. He (Col. Prince) trusted the motion would pass. He thought it would be but just to the House that they were put in possession of even the draft of the evidence, or report of the commission, as it had been taken down, as it was uncertain when it would be laid before the House. By adopting this course, the House would know whether any erasures had been made or not. The Attorney General West had evinced uncommon sensibility in the removal of the Warden, but it was unjust to dismiss a man before he was known to be guilty, and thus driven from his home, bag and baggage, in a couple of days' notice. More than one Judge had signified their approval of the conduct of Mr. Smith in his management of the Kingston Penitentiary. But why had a Sheriff from a distant county been placed in Mr. Smith's situation? It was unfair to Mr. Smith, although the small shrievalty held by Mr. McDonald required probably some consideration from the Ministry. He thought Mr. Smith should have been kept in office till found guilty of the charges against him, or proved incompetent to perform the duties of his office.<sup>40</sup>

MR. J. A. MACDONALD (Kingston) did not blame any one on the opposite side of the House for all that had been done. There was a great deal of excitement on the subject of the Penitentiary, and many violent attacks in the public papers upon Mr. Smith; and it was, in his opinion, unfair to rely on the strength of charges made by an anonymous writer.<sup>41</sup> ((He)) was satisfied to wait, if the Ministry would pledge themselves to lay the Report before the House, early during the present session, when he would bring it up again. He then withdrew his motion.<sup>42</sup>

(29)

Inland Bills of  
Exchange and  
Promissory Notes  
Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to amend the Laws regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof.

*He accordingly presented the said Bill to the House, and the same was*

received and read for the first time; and ordered to be read a second time, on Thursday next.

Restrictions  
on Commerce.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly, dated 22nd January 1849, for copies of all Communications between the Imperial and Provincial Governments relative to the proposed removal of Restrictions imposed by Imperial Acts upon the Commerce of this Province.

Appendix (C.)

For the said Return, see Appendix (C.)

Ordered, That two hundred and fifty copies of the said Return be printed in each of the English and French Languages, for the use of the Members of this House.

On motion of Mr. Johnson, seconded by Mr. Scott, of Bytown,

Petition of  
W. Bradley  
and others.

Ordered, That the Entries in the Journal of this House, of the 17th and 20th March 1848, which relate to the Petition of William Bradley and others, of the Township of Caledonia, in the

Ottawa District, praying for a certain Road allowance, be now read.  
And the same were read accordingly.

Library.

Resolved, That a Standing Committee of six Members, composed of Sir Allan N. MacNab, the Honorable Mr. Papineau, the Honorable Mr. Sherwood, the Honorable Mr. Macdonald, Mr. Bouthillier, and Mr. Chauveau, be appointed to assist Mr. Speaker in the direction of the Library, to which shall be referred all matters relating thereto; with the power to report from time to time.

On motion of the Honorable Mr. Boulton, seconded by Mr. Johnson,

Constituencies.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to direct a Tabular Return to be laid before this House, stating the names of the various Constituencies in Upper and Lower Canada respectively, the number of Representatives, and the number of Inhabitants in each Constituency, beginning with the largest and ending with the smallest, in each section of the Province respectively.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the

(30)

Executive Council of this Province.

On motion of the Honorable Mr. Sherwood, seconded by Mr. Smith, of Frontenac,

Toronto  
Harbour Dues  
and Queen's  
Wharf.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause the proper Officer to lay before this House, a Return of the amount collected for Harbour Dues at the Port of Toronto, for the year 1848,--and also, a detailed Statement shewing the balance, if any, still due to the Government on account of sums advanced, upon the authority



of certain Acts of Parliament of Upper Canada, for constructing and repairing the Queen's Wharf at the entrance of the said Harbour.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Cornwall  
Election.

According to Order, Pierre Joseph Olivier Chauveau, Esquire, Member for the County of Quebec, who was absent, on Friday, Saturday, Monday, Tuesday, and Wednesday last, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, attended in his place; and having given satisfactory reasons for his not being present at the meetings of the Committee on those days; and having verified the same upon oath;

Ordered, That Mr. Chauveau be excused for not attending the Committee, on Friday, Saturday, Monday, Tuesday, and Wednesday last.

According to Order, Robert Dumas, Esquire, Member for the County of Leinster, who was absent, on Saturday last, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, attended in his place; and having given satisfactory reasons for his not being present at the meeting of the Committee on that day; and having verified the same upon oath;

Ordered, That Mr. Dumas, and the other Members who were reported as not having been presented at the meetings of the Committee, be excused for such non-attendance.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Sherwood,

Standing  
Committees.

Ordered, That the Order of the day for taking into consideration the Report of the Select Committee appointed to prepare and report Lists of Members to compose the eight Standing Committees ordered by the House, be now read.  
And the same being read;

Resolved, That this House doth concur with the Committee in the said Report.

MR. SHERWOOD<sup>43</sup> hoped that the proceedings with Mr. Vansittart would be gone on with. He had been very ill used by the delay of the House, and ought to be relieved.<sup>44</sup>

(30)

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Robinson,

Oxford  
Election.

Ordered, That the Order of the day for the attendance at the Bar of this House, of John George Vansittart, Esquire, Returning Officer at the last General Election for the County of Oxford, to produce evidence in relation to his conduct at the said Election, be now read.

And the same being read;

And the House being informed that Mr. Vansittart attended at the door; he was called in; and, at the Bar, addressed the House.

MR. VANSITTART then addressed the House, but from the distance at which he was placed from the Reporter's Gallery, we were able to hear him very imperfectly. He repeated the explanation which he made to the House at the close of the last Session. He had accepted the post of Returning Officer

very reluctantly, and only because it was represented to him, that being a servant of the Government, he could not, with propriety, refuse to oblige them by accepting the post. When the question of qualification arose, he had taken some trouble to study the question, and he made up his own mind that the qualification forwarded to him by the Hon. Mr. Hincks, who was then absent in England, and which was dated some months previously, was illegal. Wishing, however, not to depend upon his own opinions, he wrote to the Law Officers of the Crown, for their opinion, but neither of them answered his application. He succeeded, however, in obtaining a passing interview with Mr. Solicitor General Cameron, on his way through Woodstock, and obtained his opinion on the point; he also obtained the opinion of several other legal friends, and they all coincided with his own. When he heard that Mr. Hincks had returned to this country, he expected that all difficulties would be removed, and that that gentleman would send another qualification in place of the one which was antedated. He then explained what were the points in Mr. George Brown's evidence before the House last Session, which he intended to produce evidence to refute, all of which will appear in the testimony below, and concluded by begging hon. members to look at this question free from party consideration; he wished the case to stand on its merits alone. He had had no communication relative to his appearance before the House with any of those members of the House who were his friends, he had only availed himself of the assistance of Mr. Harley of this city, in preparing the interrogation he intended to put to his witnesses, in a clear and precise form.<sup>45</sup>

(30)

*And the House being also informed that Mr. George Washington Whitehead, a witness on the part of Mr. Vansittart, attended at the door; he was called in; and, at the Bar, examined, as followeth:--*

*By Sir Allan N. MacNab.*

1. *Is your name George Washington Whitehead, and are you a resident of Woodstock in the Brock District?--Yes.*

2. *Were you present at the nomination of the Oxford Election on the 28th of December, 1847?--I was.*

3. *Were you a Deputy Returning Officer for the said Election?--I was.*

4. *Were you on or near the hustings when the qualifications of the candidates were demanded?--I was on the hustings.*

5. *Were you near the Returning Officer on that occasion; if so, at what distance were you from him?--A great part of the time I was immediately behind his chair; and afterwards on his left.*

6. *Did Mr. Brown appear there as the representation of the Honorable Francis Hincks?--He did.*

7. *At what distance was he from the Returning Officer?--I think that the greater part of the day he sat within one of the Returning Officer, that is to say, Mr. Carroll was a part of the day next to Mr. Vansittart, and for a portion of the day Mr. Campbell, who was also a candidate, took Mr. Carroll's place at the time when he went to draw up his qualification oath,--and on Mr. Carroll's return, Mr. Campbell left for the Clerk of the Peace's Office, to draw up his qualification. During Mr. Campbell's absence Mr. Brown for a short time took his seat near Mr. Vansittart, and was in conversation with him on the subject of Mr. Hinck's qualification.*

8. *Did you remain on the hustings during the proceedings of that day;*



and were you in a position to hear what was said by the Returning Officer?--Yes; I was upon the hustings from the time of the reading of the Commission, until the close of the day's proceedings, and I was in a position to hear what was said by the Returning Officer and the candidates, and took notes of some part of the proceedings.

9. Did you make any note or memorandum, in writing, of the occurrences which took place; if so, when were they made, and have they been preserved?--Yes; I took notes in pencil, a part of which have been preserved. They were taken on the hustings at the time.

10. By whom was the qualification of the Honorable Francis Hincks submitted to the Returning Officer?--By Mr. George Brown, who appeared as Mr. Hincks' Agent.

11. Did the Returning Officer on that occasion, in reply to an observation made by Mr. Brown, make use of the following words: "At any rate I have decided it in your favor. I shall hold Mr. Hincks' qualification to be good for the present," and add, "that he would leave the other parties to have a decision elsewhere," or words to that effect?--In answer to that question, I will give my answer from my notes as I took them down:--Mr. Hincks' qualification was disputed on the ground of its having been made some months previous to the day of Election, and Mr. Hincks then being in the country, was bound to be present. The Returning Officer said he would receive and file the affidavit, reserving to himself the right to consider the validity of the same, and that he would give his answer on the Return day. Those, I believe, were the words of the Returning Officer.

MR. NOTMAN said--The witnesses should reply at once on the questions being put. It appeared to him--if his eyes did not deceive him--that there was a consultation between the witness and Mr. Vansittart.<sup>46</sup>

MR. VANSITTART indignantly denied such an imputation.<sup>47</sup>

MR. H. BOULTON said there should be no debate between the House and any of the parties. But, at the same time, it was very natural for Mr. Vansittart to feel indignant at the imputation, which, under the circumstances, was an accusation against his character as a gentleman.<sup>48</sup>

MR. WHITEHEAD went on to reply Mr. Hinck's qualification was thought bad, being prepared some months previous; and because Mr. Hincks was not in the country. But the Returning Officer would reserve his decision.<sup>49</sup>

MR. SOL. GEN. BLAKE here objected to the witness reading his evidence from the memorandum, as contrary to rules of evidence.<sup>50</sup>

After a lengthy discussion, no authoritative decision was come to.<sup>51</sup>

(30)

12. What were the expressions or words made use of by the Returning Officer on the occasion relative to the said qualification?--The Returning Officer was of opinion that the qualification was not good, and I think he said that he would take counsel on the matter. There was a good deal of conversation passed between the Returning Officer and some of the

(31)

electors, and all of the candidates, who joined in the conversation, who doubted the legality of the qualification, and who thought that the Returning

*Officer had no right to receive it. The Returning Officer decided on receiving it, with the same remarks I before stated. What I mean to say is--that there was a great deal of conversation which I do not pretend to remember; but were some questions put, I might call to recollection some particular expressions used on the occasion.*

Some discussion here occurred respecting the answer made by the witness.<sup>52</sup>

MR. INSP. GEN. HINCKS wished to know whether the witness was certain of the words made use of at the time. He wished to ask whether the interpretation was such as to prevent him from hearing distinctly what was said.<sup>53</sup>

SIR A. MACNAB protested against the question being put at this stage of the interrogation. He was not through with the examination of the witness, and he did not think it right for the Hon. Inspector General to take the witness out of his hands for the purpose of cross-examination.<sup>54</sup>

MR. INSP. GEN. HINCKS denied that he put the question for the purpose of cross-examination.<sup>55</sup>

MR. MORIN.--The Speaker, decided that the question might be put.<sup>56</sup>

(31)

*By the Honorable Mr. Hincks.*

13. *You have just stated, that you think the Returning Officer made use of certain expressions on the hustings, and that conversation was going on about him; was there so much interruption that you feel doubt as to the accuracy of the expressions which you have attributed to the Returning Officer?--I am clear upon the point, that the Returning Officer said he would take counsel upon Mr. Hincks' qualification, and give his decision upon the Return day.*

MR. WHITEHEAD ... could not state distinctly as to what took place during the conversation between Mr. Brown, the Returning Officer, and the Electors.<sup>57</sup>

MR. INSP. GEN HINCKS said--He would call the attention of hon. members to words stated by the witness, not one of which had been taken down.<sup>58</sup>

MR. WILSON was aware that much had been stated which had not been taken down. When answers were put one after another they often assumed an unconnected mass. If, from what had been stated, a new answer was made, having in view the object wished to be got at by the Hon. Inspector General, perhaps that would meet his views.<sup>59</sup>

MR. INSP. GEN. HINCKS only wished to know whether the interruption was so great as to prevent the witness from hearing what the Returning Officer said on the occasion.<sup>60</sup>

MR. WHITEHEAD was here required to withdraw<sup>61</sup>.

Some further discussion took place as to the manner in which the witness was to answer the questions put to him, and the mode in which the examination was to be carried on. A very great deal was said on both sides of the House, both on this and some preceding points, and the rules of evidence, and the practice of the British Parliament, were extensively discussed.



The discussion relative to the propriety of the questions proposed, occupied altogether, during the course of the evening, between two and three hours.<sup>62</sup>

At the suggestion of the SPEAKER MR. MORIN, Col. Whitehead was then recalled, and the last two questions and answers read to him, in order that he might see if his words had been correctly taken down by the Clerk.<sup>68</sup>

MR. WHITEHEAD, the witness, added to his answer these words--"There was a conversation during the day to which I paid no attention, but I have no doubt that that part of Mr. Vansittart's declaration of taking Counsel, and that he would give a decision on the returning day."<sup>64</sup>

(31)

*There was conversation passed during the day to which I paid no attention. I have no doubt as to that part of Mr. Vansittart's declaration or expression of taking counsel respecting the qualification oath of Mr. Hincks, and that he would give his decision on the Return day, as before stated.*

MR. INSP. GEN. HINCKS thought his question was still unanswered; all he wanted to know was, simply whether the disturbance around him was such, that he could not be sure of Mr. Vansittart's language?<sup>65</sup>

SIR A. MACNAB did not understand what the hon. member wanted to find out, and he did not believe any other member of the House did.<sup>66</sup>

MR. INSP. GEN. HINCKS had put his question in plain language, and it had not been answered.<sup>67</sup>

MR. COM. CR. LANDS PRICE hoped that the hon. gentlemen who were members of the Bar would have compassion on those who were not, and make one speech, instead of ten each. They wanted to get at the truth and common sense. He understood the witness to say that there was such confusion at the time, that he could not be sure of the words he had ascribed to the Returning Officer. This was what they wanted to know. It seemed to him that a great deal of time had been wasted. Mr. Price then submitted the question in a more comprehensive shape, as the witness appeared to be unable to understand the last.<sup>68</sup>

(31)

*By the Honorable Mr. Price.*

14. *Did you, when giving your answer to the question last but one, say, that from the confusion or otherwise, you did not clearly remember what the words were that the Returning Officer said?--I mean to say, that so far as taking counsel and giving a decision at the Return day, I understood, I think, Mr. Vansittart distinctly. So far as the general conversation went, it did not bear upon this part of Mr. Vansittart's remarks. There was conversation passed between Mr. Vansittart and the candidates, to which I paid no attention. I do not remember all the words that were made use of during the day by the Returning Officer. The confusion at the time spoken of does not relate to that part of the conversation between the Returning Officer and the candidates, so far as relates to Mr. Vansittart's decision at the time as to the course he would take with respect to the qualification oath.*

MR. COM. CR. LANDS PRICE was not satisfied with the answer.<sup>69</sup>

MR. MCLEAN said, that as the examination could not be got through to-night, he therefore moved that the House do now adjourn.<sup>70</sup>

MR. COM. CR. LANDS PRICE protested against the motion for adjournment. He had possession of the floor, and was only waiting for the witness to withdraw.<sup>71</sup>

(31)

*And then Mr. Vansittart, and the Witness, were directed to withdraw.*

MR. COM. CR. LANDS PRICE explained, that what he wanted was a concise and brief answer; his impression whether the confusion was such that he might be mistaken in Mr. Vansittart's language or not.<sup>72</sup>

An hon. member thought that this was dictating to the witness, who had a right to make what answer he chose, and appeal to the Attorney General West to know if this was a legal course to pursue.<sup>73</sup>

MR. INSP. GEN. HINCKS did not think the hon. member would serve his cause by preventing the truth from being elicited from the witness; he contended that the question had not been answered. The witness should have said, "yes or No."<sup>74</sup>

MR. MORIN.--The Speaker asked if the House would allow him to ask the witness if he had not said, in his first answer, that he was uncertain about the language used by Mr. Vansittart? That question had not been answered.<sup>75</sup>

MR. J. S. MACDONALD (Glengarry) thought the question had been already answered. He protested against members being kept up to such late hours to discuss such points as these, wearing themselves out at the beginning of this important session. (Hear, hear.)<sup>76</sup>

SIR A. MACNAB considered all this discussion out of order, hence all the present difficulty, as no written motion was in the hands of the Speaker. There had been no question before the House for the last three hours.<sup>77</sup>

(31)

*On motion of Mr. Macdonald, of Glengarry, seconded by Mr. M'Lean, Ordered, That the further consideration of the case of John George Vansittart, Esquire, Returning Officer at the last General Election for the County of Oxford, be postponed until to-morrow; and that it be then the first Order of the day.*

Orders  
deferred.

*Ordered, That the remaining Orders of the day be postponed until to-morrow.*

*Then, on motion of Mr. Macdonald, of Glengarry, seconded by Mr. Fournier, The House adjourned.*



APPENDIX, 25 JANUARY 1849.

((NOTICE OF MOTION RE: RETURNABLE PAY TO CLERICAL VISITORS TO SICK IMMIGRANTS, 1848.))<sup>78</sup>

MR. J. S. MACDONALD (Glengarry) gave notice that he would, on to-morrow, move for an Address to His Excellency for returns on ... the pay to Clerical visitors to sick emigrants during 1848<sup>79</sup>.

((NOTICE OF MOTION FOR RETURN RE: SPECIAL GRANTS TO SCHOOLS AND COLLEGES.))<sup>80</sup>

MR. J. S. MACDONALD (Glengarry) gave notice that he would, on to-morrow move for an Address to His Excellency for returns on all Special Grants to Schools and Colleges, exclusive of the annual grants for Common Schools<sup>81</sup>.

((NOTICE OF MOTION FOR RETURN RE: EXPENDITURE OF CLERGY RESERVES FUNDS.))<sup>82</sup>

MR. J. S. MACDONALD (Glengarry) gave notice that he would, on to-morrow, move for an Address to His Excellency for returns of the Expenditure of the Clergy Reserves Funds, with copies of correspondence relative to the Surplus Fund.<sup>83</sup>

((NOTICE OF MOTION FOR CORRESPONDENCE RE: TEMPORARY LUNATIC ASYLUM.))<sup>84</sup>

MR. RICHARDS gave notice that he would, to-morrow, move for copies of all<sup>85</sup> the correspondence, between the Commissioners of the temporary Lunatic Asylum, at Toronto, and the Provincial Secretary, relating to their complaints against Dr. Park, Superintendent of said Asylum, and also, all communications from Dr. Park to the Provincial Secretary, on the subject of his complaints against the said Commissioners and all other documents or papers, in any way relating to the dismissal of Dr. Park from the situation of Superintendent of the temporary Lunatic Asylum at Toronto, and also copies of all correspondence between Dr. Park and the Provincial secretary, relating to the issuing of the commission to examine and enquire into the causes of difference between the said Commissioners and Dr. Park; and also a copy of the Commissions appointing the said Commissioners and Dr. Park.<sup>86</sup>

((NOTICE OF MOTION FOR CORRESPONDENCE RE: MR. JUSTICE BEDARD.))<sup>87</sup>

MR. CHRISTIE gave notice of a motion for papers and correspondence<sup>88</sup> relative to the removal of Mr. Justice Bédard from Montreal to Quebec.

((NOTICE OF MOTION RE: ASSESSMENT LAW IN U.C.))<sup>89</sup>

MR. INSP. GEN. HINCKS gave notice of a motion to bring in a Bill to amend the Law of Assessment in Upper Canada. (Hear, hear.)<sup>90</sup>

((NOTICE OF QUESTION RE: SEIGNEURIAL TENURE.))<sup>91</sup>

DR. DAVIGNON gave notice that he would to-morrow, ask the Government,

whether they intended to introduce any measure this Session relative to the Seignorial Tenure; and if so, what would be its nature?<sup>92</sup>

((QUESTION AND ANSWER RE: KING'S COLLEGE.))<sup>93</sup>

MR. THOMPSON inquired of Ministers if they intended to bring in, during the present Session, Bills to amend the charter of King's College.<sup>94</sup>

MR. AT. GEN. BALDWIN.--It is our intention. (Hear.)<sup>95</sup>

((QUESTION AND ANSWER RE: COMMON SCHOOL ACT.))<sup>96</sup>

MR. THOMPSON inquired of Ministers if they intended to bring in, during the present Session, Bills to amend the Common School Act.<sup>97</sup>

MR. AT. GEN. BALDWIN.--If the House sanctioned the projected Municipal Act, they would then, if there was time, take up the School Bill. (Hear, hear.)<sup>98</sup>

((QUESTION AND ANSWER RE: UPPER CANADA GRAMMAR SCHOOLS.))<sup>99</sup>

MR. THOMPSON inquired of Ministers if they intended to bring in, during the present Session, Bills to appropriate the land of equal value to the support of Grammar Schools in Upper Canada, to that misapplied.<sup>100</sup>

MR. AT. GEN. BALDWIN.--We propose no such measure.<sup>101</sup>

((QUESTION AND ANSWER RE: DANNVILLE AND CAYUGA ROADS.))<sup>102</sup>

MR. THOMPSON inquired of Ministers if they intended to bring in, during the present Session, Bills to appropriate funds to maintain the Dannville and Cayuga Roads, rendered useless by the overflow of the Dannville dam.<sup>103</sup>

MR. AT. GEN. BALDWIN.--We have no such measure.<sup>104</sup>

((QUESTION AND ANSWER RE: LOYALIST LAND CLAIMS.))<sup>105</sup>

MR. THOMPSON inquired of Ministers if they intended to bring in, during the present Session, Bills to enable the remnant of U. E. Loyalists and Militiamen to obtain compensation for their respective land claims, precluded by law for want of timely application.<sup>106</sup>

MR. AT. GEN. BALDWIN.--They did not.<sup>107</sup>

((POSTPONED MOTION RE: RECIPROCITY TREATY.))<sup>108</sup>

MR. PRES. EX. COUN. MERRITT postponed his motion relative to Free Trade with the United States until Tuesday, in consequence of information he had received.<sup>109</sup>

((POSTPONED MOTION RE: REPEAL OF NAVIGATION LAWS.))<sup>110</sup>

MR. INSP. GEN. HINCKS moved, that the House do now resolve itself into a committee of the whole, to consider the expediency of adopting an Address to her Majesty, on the subject of the repeal of the Navigation Laws.<sup>111</sup>

SIR A. MACNAB moved an amendment.<sup>112</sup>

((There was)) some discussion.<sup>113</sup>



MR. INSP. GEN. HINCKS ... said he wished to have the Address go home by this mail, and if it were arranged, that it should be carried on Monday, without delay, he would put off the consideration of it until that day.<sup>114</sup>

After some little discussion, it was arranged that the discussion of the main motion should be deferred until Monday.<sup>115</sup>

((WITHDRAWN MOTION RE: BANKRUPT LAWS.))<sup>116</sup>

DR. DAVIGNON moved, that the Petition of a number of Merchants of Montreal, praying that the Bankrupt Laws be repealed, be referred to a select Committee.<sup>117</sup>

MR. AT. GEN. LAFONTAINE said, (as we understood,) that it was unnecessary to do so, as it was their intention not to continue the Law (sic) which expire during the present session. (Hear, hear.) A bill would, however, be introduced to provide for the cases pending before the courts.<sup>118</sup>

((WITHDRAWN MOTION RE: INCORPORATION OF PORT HOPE.))<sup>119</sup>

MR. J. SMITH (Durham) withdrew a motion for leave to bring in a bill for the incorporation of Port Hope.<sup>120</sup>

((WITHDRAWN MOTION RE: POPULATION RETURNS.))<sup>121</sup>

MR. H. BOULTON moved for returns of the population of Upper and Lower Canada, the number of representatives, constituencies, &c.<sup>122</sup>

MR. INSP. GEN. HINCKS had no objection to the motion; but it was impossible to give an accurate return of the population of Lower Canada, as no census had been taken for several years. Calculations had, however, been made by three different parties, without communication with one another, which approached nearly to one another. The most accurate information possible should be given.<sup>123</sup>

FOOTNOTES: 25 JANUARY 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 26 January 1849; BATHURST COURIER, 2 February 1849, and STANSTEAD JOURNAL, 8 February 1849, in identical accounts, except that some speeches have been omitted from the BATHURST COURIER's account; MONTREAL GAZETTE, 26 January 1849, copied by HAMILTON SPECTATOR, 31 January 1849; PILOT, 26 January 1849, BRITISH WHIG, 30 January 1849, HAMILTON SPECTATOR, 3 February 1849, GLOBE, 3 February 1849, and PROVINCIALIST, 1 February 1849, in accounts identical except that GLOBE omitted one speaker, and PROVINCIALIST omitted some speeches. Commentaries appeared in MORNING CHRONICLE, 2 February 1849, PILOT, 2 February 1849, which acknowledged the KINGSTON ARGUS as its source, and GLOBE, 2 February 1849.
2. MONTREAL GAZETTE, 26 January 1849.
3. PILOT, 26 January 1849.
4. MONTREAL GAZETTE, 26 January 1849.
5. PILOT, 26 January 1849.
6. MONTREAL GAZETTE, 26 January 1849.
7. PILOT, 26 January 1849.
8. MONTREAL GAZETTE, 26 January 1849.
9. PILOT, 26 January 1849.
10. MONTREAL GAZETTE, 26 January 1849.
11. PILOT, 26 January 1849.
12. IBID.
13. MONTREAL GAZETTE, 26 January 1849.
14. PILOT, 26 January 1849.
15. MONTREAL GAZETTE, 26 January 1849.
16. IBID.
17. STANSTEAD JOURNAL, 8 February 1849.
18. MONTREAL GAZETTE, 26 January 1849.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. STANSTEAD JOURNAL, 8 February 1849.
25. MONTREAL GAZETTE, 26 January 1849.
26. PILOT, 26 January 1849.
27. These questions and answers are placed immediately after the debate on Macdonald's first motion re: George Brown, rather than in the APPENDIX, because all the sources reporting place their accounts in this context. They were in fact a follow-up to that debate.
28. MONTREAL GAZETTE, 26 January 1849.
29. IBID.
30. PILOT, 26 January 1849.
31. STANSTEAD JOURNAL, 8 February 1849.
32. MONTREAL GAZETTE, 26 January 1849.
33. IBID.
34. This withdrawn motion is placed immediately after the questions on the same subject rather than in the APPENDIX because all the sources reporting place their accounts of it in this context.



35. PILOT, 26 January 1849.
36. IBID.
37. IBID.
38. IBID.
39. MONTREAL GAZETTE, 26 January 1849.
40. PILOT, 26 January 1849.
41. IBID.
42. MONTREAL GAZETTE, 26 January 1849.
43. The debate on this matter was reported by: GLOBE, 3 February 1849; PILOT 26 January 1849, and GLOBE, 3 February 1849, in identical accounts; MONTREAL GAZETTE, 26 January 1849, and PRINCE EDWARD GAZETTE, 2 February 1849, noted the debate. Commentaries may be found in BATHURST COURIER, 2 February 1849, MORNING CHRONICLE, 2 February 1849, and GLOBE, 3 February 1849.
44. MONTREAL GAZETTE, 26 January 1849.
45. PILOT, 26 January 1849.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. The following was reported by: PILOT, 26 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, BRITISH WHIG, 30 January 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts.

79. PILOT, 26 January 1849.
80. The following was reported by: PILOT, 26 January 1849, BRITISH WHIG, 30 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts.
81. PILOT, 26 January 1849.
82. The following was reported by: PILOT, 26 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, BRITISH WHIG, 30 January 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts.
83. PILOT, 26 January 1849.
84. The following was reported by: PILOT, 26 January 1849, BRITISH WHIG, 30 January 1849, BROCKVILLE RECORDER, 1 February 1849, which acknowledged PILOT, 26 January 1849, as its source, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts; and BRITISH COLONIST, 30 January 1849.
85. PILOT, 26 January 1849.
86. BRITISH COLONIST, 30 January 1849.
87. The following was reported by: PILOT, 26 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, BRITISH WHIG, 30 January 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts.
88. PILOT, 26 January 1849.
89. The following was reported by: BRITISH COLONIST, 30 January 1849, copied by ST. CATHARINES JOURNAL, 1 February 1849, PILOT, 26 January 1849, BRITISH WHIG, 30 January 1849, HAMILTON SPECTATOR, 31 January 1849, BROCKVILLE RECORDER, 1 February 1849, PROVINCIALIST, 1 February 1849, BATHURST COURIER, 2 February 1849, GLOBE, 3 February 1849, and STANSTEAD JOURNAL, 8 February 1849, all reported the debate in identical accounts.
90. PILOT, 26 January 1849.
91. The debate on this matter was reported by: PILOT, 26 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, BRITISH WHIG, 30 January 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts.
92. PILOT, 26 January 1849.
93. The following was reported by: BRITISH COLONIST, 30 January 1849, copied by ST. CATHARINES JOURNAL, 1 February 1849; BRITISH WHIG, 30 January 1849, HAMILTON SPECTATOR, 31 January 1849, PILOT, 26 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts; and PRINCE EDWARD GAZETTE, 2 February 1849, BATHURST COURIER, 2 February 1849, and STANSTEAD JOURNAL, 8 February 1849, reported the debate in identical accounts.
94. PILOT, 26 January 1849.
95. IBID.
96. The following was reported by: BRITISH COLONIST, 30 January 1849, copied by ST. CATHARINES JOURNAL, 1 February 1849; and BRITISH WHIG, 30 January 1849, HAMILTON SPECTATOR, 31 January 1849, PILOT, 26 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts;



- and PRINCE EDWARD GAZETTE, 2 February 1849, BATHURST COURIER, 2 February 1849, and STANSTEAD JOURNAL, 8 February 1849, in identical accounts.
97. PILOT, 26 January 1849.
  98. IBID.
  99. The following was reported by: BRITISH COLONIST, 30 January 1849, copied by ST. CATHARINES JOURNAL, 1 February 1849; BRITISH WHIG, 30 January 1849, HAMILTON SPECTATOR, 31 January 1849, PILOT, 26 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts; and PRINCE EDWARD GAZETTE, 2 February 1849, BATHURST COURIER, 2 February 1849, and STANSTEAD JOURNAL, 8 February 1849, in identical accounts.
  100. PILOT, 26 January 1849.
  101. IBID.
  102. The following was reported by: BRITISH COLONIST, 30 January 1849, copied by ST. CATHARINES JOURNAL, 1 February 1849, BRITISH WHIG, 30 January 1849, HAMILTON SPECTATOR, 31 January 1849, PILOT, 26 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 1 February 1849, in identical accounts; and PRINCE EDWARD GAZETTE, 2 February 1849, BATHURST COURIER, 2 February 1849, and STANSTEAD JOURNAL, 8 February 1849, in identical accounts.
  103. PILOT, 26 January 1849.
  104. IBID.
  105. The following was reported by: BRITISH COLONIST, 30 January 1849, copied by ST. CATHARINES JOURNAL, 1 February 1849, BRITISH WHIG, 30 January 1849, HAMILTON SPECTATOR, 31 January 1849, PILOT, 26 January 1849, copied by BROCKVILLE RECORDER, 1 February 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 1 February 1849, in identical accounts; PRINCE EDWARD GAZETTE, 2 February 1849, BATHURST COURIER, 2 February 1849, and STANSTEAD JOURNAL, 8 February 1849, in identical accounts.
  106. PILOT, 26 January 1849.
  107. IBID.
  108. The following was reported by: PILOT, 26 January 1849, BRITISH WHIG, 30 January 1849, and GLOBE, 3 February 1849, in identical accounts; and by BATHURST COURIER, 2 February 1849.
  109. PILOT, 26 January 1849.
  110. The debate on this matter was reported by: BRITISH COLONIST, 30 January 1849, copied by ST. CATHARINES JOURNAL, 1 February 1849.
  111. BRITISH COLONIST, 30 January 1849.
  112. IBID.
  113. IBID.
  114. IBID.
  115. IBID.
  116. The following was reported by: MONTREAL GAZETTE, 26 January 1849; BATHURST COURIER, 2 February 1849, and STANSTEAD JOURNAL, 8 February 1849, in identical accounts; BRITISH COLONIST, 30 January 1849; and PILOT, 26 January 1849, BRITISH WHIG, 30 January 1849, PROVINCIALIST, 1 February 1849, and GLOBE, 3 February 1849, in identical accounts. Commentaries may be found in LE JOURNAL DE QUEBEC, 30 January 1849.
  117. MONTREAL GAZETTE, 26 January 1849.
  118. IBID.

119. The following was reported by: PILOT, 26 January 1849, BRITISH WHIG 30 January 1849, and GLOBE, 3 February 1849, in identical accounts.
120. PILOT, 26 January 1849.
121. The following was reported by: PILOT, 26 January 1849, BRITISH WHIG, 30 January 1849, and GLOBE, 3 February 1849, in identical accounts.
122. PILOT, 26 January 1849.
123. IBID.



FRIDAY, 26 JANUARY 1849.

(31)

Bonds and  
Securities.

MR. Speaker laid before the House, the Registrar's Report of Bonds and Securities registered between 24th February, 1848, and 17th January, 1849, in compliance with the Act 4 and 5 Vic. cap. 91.

Appendix (D.)

For the said Report, see Appendix (D.)

Montreal  
Turnpike Roads.

And also, Accounts of the Trustees of the Montreal Turnpike Roads, from 1st March, to 30th November, 1848.

Appendix (E.)

For the said Accounts, see Appendix (E.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Johnson,--The Petition of James P. Wells and others, Trustees of the Grammar School for the District of Ottawa.

By Mr. Dumas,--The Petition of the Corporation of the College of L'Assomption.

By Mr. Scott, of Two Mountains,--The Petition of C. C. Grece and others, of the Township of Grenville and parts adjacent in Lower Canada.

By Mr. Fortier,--The Petition of E. X. Pratt, Esquire, and others, of Stanfold and other Townships in the District of Three Rivers; the Petition of Clovis Bourgeois, of the Parish of St. Grégoire, in the County of Nicolet; and the Petition of the Reverend Antoine Racine and others, of Stanfold and other places in the District of Three Rivers.

By Mr. Notman,--The Petition of John M'Intosh, of the Township of London.

By Mr. Hall,--The Petition of Hugh Macfee and others, of the Townships of Dummer and Douro, District of Colborne.

By Mr. Beaubien,--The Petition of L. Archambeault, Esquire, and others, of Ste. Marguerite de Blairfindie; and the Petition of the President and Corporation of the College of Chambly.

By Mr. Christie,--The Petition of Mrs. Mary H. Mountain and others, the Ladies Managers of the Male Orphan Asylum of Quebec.

By Mr. Polette,--The Petition of T. Panneton and others, of the Parish of Three Rivers.

By Mr. Smith of Durham,--The Petition of the Municipal Council of the District of Newcastle (Common School Act).

By Mr. Chauveau,--The Petition of Joseph Morrin, Esquire, and others, Physicians and Surgeons, members and professors of the School of Medicine of Quebec; the Petition of Olivier Blais, of the City of Quebec, seaman; and the Petition of William Price, Esquire, and others, of the City of Quebec and its vicinity.

By the Honorable Mr. Cameron of Kent,--The Petition of John Beckton and others, of Canada West.

By Mr. Egan,--The Petition of the Reverend Alexander Macdonell and others, of the Parish of St. Luke, including the Townships of North and South Plantagenet, Alfred, and part of Caledonia; and the Petition of Robert Conroy and others, of Bytown and its vicinity.

By Mr. Taché,--The Petition of Henry P. Croft and others, of the Parish of St. Louis de Kamouraska.

By Mr. Wetherhall,--The Petition of E. C. Thomas, President, and Thomas M. Simons, Secretary, of the "Hamilton and Gore Mechanics' Institute."

Petitions  
read.

Pursuant to the Order of the Day, the following  
Petitions were read:--

Of the Municipal Council of the District of Colborne; praying for the repeal of the Act 9 Geo. 4, c. 3, in so far as it authorizes the payment of Land Tax to the Treasurer of any District other than that in which the Lands are situate.

Of the Municipal Council of the District of Colborne; praying that the Act 4 & 5 Vic. c. 10, and the Act 1 Vic. c. 21, be so amended as to enable the Municipal Councils to collect the Land Tax, and to compel the correct return of rateable property.

Of C. R. Irish and others, of the Township of Mariposa; praying that the said Township may remain attached to the Colborne District.

Of the Municipal Council of the District of Colborne; praying that the expenses attending the Administration of Justice in Upper Canada be

(32)

paid out to the Consolidated Revenue Fund of the Province.

Of Flavien Vallerand and others, heretofore Clerks of the late Municipal Councils of Lower Canada; praying for the payment of their claims against the said Municipal Councils.

Of the Reverend L. Provancher and others, of the Township of Tring, in the County of Megantic; praying for the completion of the Lambton Road through the said Township.

Of the Reverend F. X. Côté and others, of the County of Champlain; praying that the sum of one thousand pounds, voted for the construction of a Bridge over the River Champlain, be applied for the construction of two Bridges at certain points therein mentioned.

Of John Gordon and others, Shareholders in the Quebec Warehousing Company; praying an Act of Incorporation.

Of the Municipal Council of the Town of Three Rivers; praying that the Common appertaining to the said Town be placed under the control and management of the said Council.

Of the Municipal Council of the District of Bathurst; praying that the Commissioners' Courts may be restored in lieu of the present Division Courts.

Of the Municipal Council of the District of Bathurst; praying aid to improve the main Road leading from the River St. Lawrence to Perth.

Of the Municipal Council of the District of Bathurst; praying that the Canal commenced by the Tay Navigation Company be taken under the control of the Legislature, and an aid be granted for its completion.

Of the Municipal Council of the District of Bathurst; praying for the amendment of the Municipal Council Act.

Of the Municipal Council of the District of Bathurst; praying for the certain amendments to the existing Assessment Law.

Of the Municipal Council of the District of Bathurst; praying that the funds available from the Revenue of the University of King's College be applied to the support of Grammar and Common Schools in each District, and that the final decision of that question may be formed upon the basis of equal rights to all men.

Of the Municipal Council of the District of Bathurst; praying that the Act 2 Geo. 4, c. 15, be repealed, and the Market Building and the site thereof in the Town of Perth be placed under the control and management



of the Municipal Council, with the necessary powers to regulate the same.

Of the Municipal Council of the District of Bathurst; praying that a certain sum of money be granted to the said District, by way of loan to be obtained on the guaranty of the Province, for the improvement of the Roads therein.

Of the Municipal Council of the District of Bathurst; praying a grant of money to improve the Road leading from the Town of Perth to the Village of Lanark, in the said District.

Of the Municipal Council of the District of Bathurst; praying certain amendments to the Common School Act.

Of the Municipal Council of the District of Bathurst; praying that the County of Renfrew be set apart and erected into a new District.

Of B. Marquette and others, the President, Officers, and Members of the Association of Teachers of the District of Quebec; praying to be incorporated under the name of the "Association des Instituteurs du District de Québec."

Of Patrick Noonan and others, of the Parishes of St. Giles and St. Sylvester; praying that the said Parishes may be united for Municipal purposes.

Of Charles Cazeau and others, Cullers, of the District of Quebec; praying certain amendments to the Act 8 Vic. c. 49, for regulating the inspection and culling of Lumber.

Of B. Marquette and others, the President, Officers, and Members of the Association of Teachers of the District of Quebec; praying for certain amendments to the Education Law.

Of François Normand and others, of the Banlieue of Three Rivers; praying payment of a certain sum of money to indemnify them for extra labour performed as Contractors for the erection of certain Bridges.

Of Stephen Bowerman, of the Township of Hallowell, District of Prince Edward; praying compensation for a deficiency in the measurement of his Land.

Of N. M'Kinnon and others, of the Township of Bayham; praying for the passing of an Act to annex the said Township of the District of Brock.

Of Skiffington Connor, Esquire, and others, members of the Legal Profession of Upper Canada; praying that measures be adopted for placing the Courts of Superior Jurisdiction in Upper Canada upon an efficient foundation.

Of James M'Gill Des Rivières, Esquire and others, of the City of Montreal; praying that measures be adopted for the opening of the Papineau Road.

Of H. H. Whitney and others, of the City of Montreal; representing that they have constructed a line of Magnetic Telegraph from the said city to the Province line near Philipsburgh, and praying an Act of Incorporation.

Of the Montreal and Lachine Railroad Company; praying a certain amendment to their Act of Incorporation.

Of J. O. Alfred Turgeon, Esquire, and others, the Mayor and Councillors of the County of Terrebonne; praying for the opening of the Papineau Road to the Village of Sault au Recollet.

Of John H. Aussem, Esquire, and others, of New Glasgow, County of Terrebonne; praying that the Papineau Road may be opened as far as the Village of Sault au Recollet.

Of Moyse Ollier and others, of Ste. Anne des Plaines, County of Terrebonne; praying for the opening of the Papineau Road to the Village of Sault au Recollet.

Of the Municipal Council of the District of Johnstown; praying that the balance of £30,000 voted for the making of certain Roads in the said District, be expended in the completion of the said Roads.

Of the Municipal Council of the District of Brock; praying that the endowment of the University of King's College, Toronto, be not divided, and that Theological Institutions may in no case be provided at the public expense.

Of the Municipal Council of the District of Brock; praying that a certain lot of land in the Town of Woodstock may be vested in them, or that they may have control over the same for a certain object.

Of the Municipal Council of the District of Brock; praying for the passing of a Law to authorize Commissioners to settle all disputed Lines, Boundaries, and Road Allowances in the said District.

Of the Municipal Council of the District of Brock; praying that the By-law passed by the said Council in the year 1842, imposing a Tax of one penny farthing per acre on all lands in the said District be legalized by an Act of the Legislature.

Of the Municipal Council of the District of Brock; praying that the Township of Bayham be annexed to the said District in exchange for the seven westerly Concessions of the Township of Nissouri.

Of the Municipal Council of the District of Brock; praying that the Courts of Assize and Nisi Prius, Oyer and Terminer, and General Goal

(33)

Delivery, be held in the said District more than once in each year.

Of Ralph Merry and others, of the Township of Bolton; praying that the Act 10 & 11 Vic. c. 37, be so amended as to extend to a further period of six months at least, the time for filing claims to lands lying in the Township of Bolton.

Of Daniel Desjardins and others, of Ste. Rose and other Parishes in the County of Terrebonne,--and of Luc Varrier and others, of St. Vincent de Paul, and St. Martin, in the County of Terrebonne; praying for the straightening of a Road on Isle Jésus, and the opening of Papineau Road to the Sault au Recollet,--and that the privilege asked for by Alexandre M. Delisle and others, to construct a Toll Bridge over the River Jésus, be granted.

Of Pierre Boucher and others, of St. Rémi, County of Huntingdon; praying indemnification for losses sustained by them during the Troubles of 1837 and 1838.

Of John Clark and others, of the City of Montreal and vicinity; praying indemnification for loss and damage sustained by them in the operation of the Ordinance 3 Vic. c. 31, providing for the improvement of the Roads in the neighbourhood of the said City,--and that the conduct and proceedings of the Trustees of the said Roads be investigated.

Of John Clark, of the Parish of Longue Pointe, in the District of Montreal, Esquire; complaining of a decision by the Court of Quarter Sessions in a matter between him and the Montreal Turnpike Trustees by which he suffers loss and damage,--and praying an investigation into the case, that justice may be done him.



Petition of  
C. Cazeau  
and others;

Egan, Mr. Chabot, Mr. Cauchon, Mr. Lemieux, and Mr. Méthot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of M.A. Primeau  
and A.A. Trottier;  
Of L.G. Brown  
and others;  
Of the Gore Bank;  
Of A. Digby and  
others;  
Of the Rev. E.  
Blyth and others;  
Of H.H. Whitney  
and others;  
Of A. Rankin  
and others;  
Of the City Coun-  
cil of Kingston;

Resolved, That the Petition of Charles Cazeau and others, Cullers, of the District of Quebec, be referred to a Select Committee composed of Mr. Laurin, the Honorable Mr. Cameron of Kent, Mr. Egan, Mr. Chabot, Mr. Cauchon, Mr. Lemieux, and Mr. Méthot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the Petition of M. A. Primeau and A. A. Trottier, of the County of Beauharnois; the Petition of L. G. Brown, Esquire, and others, of the Parishes of Ste. Martine and St. Cément, in the County of Beauharnois; the Petition of the President, Directors, and Company of the Gore Bank; the Petition of Alfred Digby and others, of Brantford and other Townships; the Petition of the Reverend E. H. Blyth and others, of the Parish of Ste. Martine de Beauharnois; the Petition of H. H. Whitney and others, of the City of Montreal; the Petition of Arthur Rankin, Esquire, and others; and the Petition of the City Council of the City of Kingston, be referred to the Standing Committee on Standing Orders.

Of J. Gordon  
and others;

Resolved, That the Petition of John Gordon and others, Shareholders in the Quebec Warehousing Company, be referred to a Select Committee composed of Mr. Méthot, Mr. Chauveau, Mr. Cauchon, Mr. Taché, and Mr. Fournier, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of J. Cormier  
and others,  
referred.

Resolved, That the Petition of James Cormier and others, of the Magdalen Islands, be referred to a Select Committee composed of Mr. Christie, Mr. Chauveau, Mr. Méthot, Mr. Sherwood, of Brockville, and Mr. Wetenhall, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Petition of W.  
Bradley and  
others.

Ordered, That the Entries in the Journal of this House, of the 17th and 20th March, 1848, which relate to the Petition of William Bradley and others, of the Township of Caledonia, in the Ottawa District, praying for a certain Road allowance, and which were read yesterday, be referred to the Standing Committee on Road and Bridge Bills.

On motion of Mr. Johnson, seconded by Mr. Scott, of Bytown,  
Bytown and  
L'Original  
Road.

Ordered, That the Entries in the Journals of this House, of the 17th and 25th June, and 14th July, 1847, and 9th March, 1848, relative to the Bytown and L'Original Road, be now read.

And the same were read accordingly.

On motion of Mr. Dumas, seconded by Mr. Egan,

Cornwall Election. Ordered, That the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, have leave to adjourn until Tuesday next, the thirtieth instant, at twelve o'clock, noon.

Schools, U.C. The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--Report of the Superintendent of Schools of Upper Canada, for the year 1847.

Appendix (F.) For the said Report, see Appendix (F.)

On motion of Mr. Richards, seconded by Mr. Smith, of Durham,

Toronto Lunatic Asylum and Dr. Park. Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, all the Correspondence between the Commissioners of the Temporary Lunatic Asylum at Toronto, and the Provincial Secretary, relating to their complaints against Dr. Park, the Superintendent of the said Asylum; and also, all communications from Dr. Park to the Provincial Secretary on the subject of his complaints against the said Commissioners, and all other documents or papers in any way relating to the dismissal of Dr. Park from the situation of Superintendent of the Temporary Lunatic Asylum at Toronto; and also, copies of all Correspondence between Dr. Park and the Provincial Secretary, relating to the issuing of a Commission to examine and enquire into the causes of difference between the said Commissioners and Dr. Park, and also, a copy of the Commissions appointing the said Commissioners and Dr. Park.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Navigation Laws. The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being proposed, That this House do now resolve itself into a Committee, to consider the propriety of adopting an Address to Her Majesty on the subject of the repeal of the Navigation Laws.<sup>1</sup>

MR. INSP. GEN. HINCKS rose, pursuant to notice, to move that the House go into Committee of the whole for the purpose of taking into consideration the propriety of addressing Her Majesty, praying for a Repeal of the Navigation Laws. The subject was one of great importance to the country, and one about which great unanimity had been formerly displayed in the House; and it was exceedingly desirous that there should be no delay in passing the Address now, as it was desirable that it should be sent Home by the first Mail to the Imperial Parliament, which would be sitting by that time. It was known that the Imperial Parliament was to meet on the 1st February and the question of the Navigation Laws would be one of the first questions which would engage its attention, and it was highly desirable that the opinion of the Legislature of the Province should be placed before the Imperial Parliament when the question was under its consideration. He hoped that there would now be that unanimity about the subject that there was about it during the Session of 1847.



Resolution proposed by the Hon. F. Hincks, on which to found an Address to Her Majesty, for the Repeal of the Navigation Laws.

Resolved,--As the opinion of this Committee that an humble Address to be presented to Her Most Gracious Majesty, to assure Her Majesty of the devoted loyalty of the people of this Province and of their sincere attachment to Her Majesty's person and Government--To represent to Her Majesty that this House feels it to be a duty incumbent upon it to take the present opportunity to assure Her Majesty that the sentiments of the people of this Province on the subject of the Repeal of the British Navigation Laws which were expressed to Her Majesty in a joint Address from the two Houses of the Provincial Parliament in the month of July, 1847, remain unchanged. That, delay in removing the present restrictions on the employment of Foreign Shipping, would, in the opinion of this House, be highly injurious to the Carrying Trade of the St. Lawrence; that in order to secure this Trade, the Province relying on the continuance of the protection which was then enjoyed by Colonial products in the Markets of Great Britain, incurred a large debt for the construction of a line of Ship Canals, by means of which the cost of Inland Transport has been very materially relieved; that, owing to the difficulties attending the Navigation of the St. Lawrence, the greater length of the voyage and the higher rates of assurance, freights are likely at all times to range higher at Quebec than at New York, but that the practical effect of the Navigation Laws is not only to prevent the possibility of a fair competition between the two routes, but actually to give direct encouragement to American shipping, not only through the Canals of the State of New York, but at the seaports of the United States; that at the Seaports of the United States, shipping can generally be procured to carry any quantity of produce that may be offered, without a material increase of freight; but that even in case of scarcity, as the navigation is open throughout the year. Foreign shipping can readily be procured in Europe at more remunerative rates of freight and without serious inconvenience or loss of time; that at Quebec, on the other hand, the exporter is compelled to rely on the regular traders to the port, so that when an unusual accumulation of produce takes place vessels cannot be procured, and freights immediately rise to most exorbitant (sic) prices; that no means exist of engaging British Shipping to meet the sudden demands which the nature of the trade causes, as such shipping is seldom to be met with at American ports unless under specific orders, as to the engagements of a Charter; that the early closing of the navigation of the St. Lawrence renders it difficult, if not impossible, to obtain shipping from England to supply the sudden demands which from the nature of the trade, are constantly arising, and which could readily be supplied at the American seaports whence vessels would at any time come round to the St. Lawrence if assured of remunerative freights; that the uncertainty which at all times prevails as to the route by which the products of the west will be transported to the seaboard, must operate to prevent British vessels coming to the St. Lawrence in sufficient numbers to ensure moderate freights during the shipping season, while the scarcity of shipping and the immediate rise of freights to England, whence a large supply of products is sent by the St. Lawrence, has the effect of diverting those products through the Erie Canal to New York. That the navigation laws have likewise had a most injurious influence

on the import trade of the Province; that it has not unfrequently (sic) happened that Canadian importers of sugars being unable to procure British vessels on any terms at Havanah and other foreign ports, have been compelled to import their cargoes in American bottoms to New York, and thence through the American Canals to Canada, when, but for the restrictions imposed by the Navigation Laws, they would have imported them by the St. Lawrence in foreign bottoms which could have been readily procured. That the House has observed with much satisfaction, that a Bill was introduced into the House of Commons during the last Session of the Imperial Parliament for the Repeal of the Navigation Laws, and this House being of opinion that the provisions of that Bill are calculated to remove the restrictions from which the trade of this Province is now suffering, most humbly pray that Your Majesty will be graciously pleased to recommend the subject of the repeal of the Navigation Laws to the favourable consideration of the Imperial Parliament. And this House would further humbly pray, that Your Majesty will be graciously pleased to authorize the Governor of this Province to permit Foreign Vessels to navigate the St. Lawrence above Quebec; under such restrictions as His Excellency may in his wisdom see fit to impose.<sup>2</sup>

SIR A. MACNAB hoped the motion would not be pressed, but that the House would proceed with Mr. Vansittart's case.<sup>3</sup> It was a rule of the House that questions of privilege should take precedence of all other questions.<sup>4</sup>

MR. INSP. GEN. HINCKS trusted he had explained the object of the Government; it was a matter of great importance, and it was exceedingly desirable that the Address should<sup>5</sup> be passed in time for the next packet. The feeling of the country was almost unanimous on this question, and the House had passed a similar address to this under the late Administration also unanimously. He thought, therefore, much debate was not to be expected.<sup>6</sup> It would only occupy a few moments ((but)) if there was to be a long discussion; if there was not to be that unanimity of feeling, there might certainly be some ground for the amendment. The interest of the Province required that no delay should take place, and he was certainly inclined to press his motion; at the same time, if it was going to take up a long time, he would not press it, but allow them to go on with Mr. Vansittart's case, although he certainly did not like the delay.<sup>7</sup>

SIR A. MACNAB objected to hurrying through in a few moments a subject of so much importance<sup>8</sup>. This matter required time for consideration, it was not a subject that would be legislated on in a hurry. The country was very much decided on it.<sup>9</sup>

No, no from the Ministerial side.<sup>10</sup>

SIR A. MACNAB ((continued:)) The Administration were only desirous<sup>11</sup> to take the sense of the House to strengthen their own representations at home.<sup>12</sup> (Hear, hear.)<sup>13</sup>

MR. INSP. GEN. HINCKS, in an excited manner, and without rising to address the Chair, denied<sup>14</sup> emphatically that such was the object of the Administration.<sup>15</sup>

SIR A. MACNAB called the hon. member to order; he had no right to interrupt him, or to address the House without rising.<sup>16</sup>



MR. MORIN, the SPEAKER called the hon. member to order.<sup>17</sup>

SIR A. MACNAB ... said that the hon. member wished to pass in a few moments a subject of great importance, and that without the members having prepared for the discussion or consideration of so important a question; he was ... not prepared to enter into the discussion of it at the present moment. When he came to that House that day he expected that the first thing they would have been called upon to do was to assert the privileges of that House, which it was their first duty to guard, and it was not fair to put the House into a Committee of the whole and to hurry through the matter at a moment's notice.--In the House of Commons such a measure went through by easy stages, and he contended it was unparliamentary to take the sense of the House upon such a question in a moment's notice, before it had been fully discussed, and without having heard the views of the country upon it. He, therefore, moved in amendment, ... that the examination of Mr. Whitehead at the Bar, on a question of privilege, be now continued. He knew that he was in a minority, and that the hon. members opposite might do what they liked, but he hoped that the House would, as it was bound to do, take up the question of privilege.<sup>18</sup>

(33)

*Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Robinson, That all the words after "That" to the end of the Question, be left out, and the words "the examination of Mr. George Washington Whitehead, a witness in a matter of privilege, he immediately proceeded with," added instead thereof.*

MR. ROBINSON seconded the amendment.<sup>19</sup>

MR. AT. GEN. BALDWIN.--The hon. and gallant Knight had referred more than once to his being a minority in the House, and perhaps it was a gratifying thing for the country that he was so; but if he meant that there was any desire to deal harshly with the minority, he (Mr. B.) challenged him to point to one instance of it. This was a matter which did not require any very deep consideration. This was not the first time the subject had been brought under the attention of the House.<sup>20</sup> The question ... was one ... which there probably was no great difference of opinion upon, for the gentlemen upon the right of the hon. and gallant knight<sup>21</sup> passed an address similar to this;<sup>22</sup> and also those on his left had already expressed their views in favor of it, and he had therefore no reason for saying that it was a matter which was for the first time brought before the house; and its being a matter of great importance was the very reason why it should be at once taken up. If the people of the country had not been unanimous upon it, they might have been to blame for hurrying it through; but so far to blame for hurrying it now they would have been to blame if they had not done so; and the hon. and gallant knight would probably have been the first to do so if they had allowed the opportunity of pronouncing their views before the Imperial Parliament to pass without having discussed. He begged that this House would not acquiesce in the amendment, but would afford to the country the advantage of having its views laid before the Imperial Parliament at the time the question was discussed before that body.<sup>23</sup>

MR. CAYLEY said the hon. member was right in saying that they had

formerly supported a similar Resolution, but they had been told that there had been some correspondence between the home and provincial governments since that time and they had not had it laid before them yet and it was desirable that they should know the contents of that correspondence before voting the address. Some persons might have changed their views since the former address was passed; and he was not prepared to say that his views since the former address had been changed; but was it unreasonable that they first desired to see the correspondence, to know what changes had since taken place, or that they wanted it laid before them for a few days or hours to ascertain the contents before giving their opinion upon the subject.<sup>24</sup> He urged the postponement of the motion for a few days.<sup>25</sup>

MR. AT. GEN. BALDWIN reminded the hon. gentleman that last Session the members on his (Mr. B.'s) side of the House, had not thrown any obstacle in the way of the gentlemen opposite when they were in power, carrying an address to Her Majesty on Emigration, but, had rather supported them, although the correspondence on that subject had not been laid before the House because they were convinced of the necessity of there being no delay in sending the address home.<sup>26</sup>

MR. H. SHERWOOD (Toronto) also supported the amendment, on the ground that the question of privilege ought to take precedence. He had not changed his opinion on the subject, nor had he any wish to delay the passing of this address<sup>27</sup>. Quite the contrary<sup>28</sup>. In the circumstances of the country<sup>29</sup> it was an object of the greatest importance and therefore to be acted upon with the greatest speed and diligence. But if it was a matter of such great importance that it should be sent home so soon, why was not the Parliament convened sooner. They were told last session that it was to be convened in autumn, and they had expected to be called together at that time, but it reached the month of January before they were called together.<sup>30</sup> The Ministry had been all along aware that the Imperial Parliament would meet early in February, and take up this matter early in the session.<sup>31</sup> The affairs of the country were at the time they were prorogued in such a state, that it was their duty to the people of Upper Canada to have an earlier session. Why did they not convene as to the steps they should have taken when they found themselves unable to carry on the Government for want of money, and when the country was placed in a position that it never was in before. They had told them that they had taken upon themselves to issue debentures and that they had done so under an act of Parliament passed, empowering them to raise the money, but one by which he never contemplated them being empowered to do so. He did not desire to throw any obstruction in the way of the Ministry, but he could not refrain from voting for the amendment for when it was proposed to go into the consideration of the speech, he had contended that the case of Mr. Vansittart should be disposed of first, as being a question of privilege, but he was then overruled; they had then went (sic) into the consideration of the speech and passed an address in answer to it; and they had then went (sic) into the consideration of Mr. Vansittart's case, and proceeded at some length in it, and he thought it should be the first thing which should be taken up to-day, and after it was finished he was prepared to enter into the consideration of the address. Before sitting down he would say a few words on the address. He was desirous of seeing it amended in that it would shew that they were desirous of having the protection which they formerly enjoyed, continued



to them, but if it was taken from them, then they should demand as a right, the repeal of the Navigation Laws. If they were only to be placed on the same footing as foreign nations, then they should demand the right from England of sending home their produce in any vessels where ever they were built and not be obliged to employ English vessels.<sup>32</sup>

SIR A. MACNAB said that even laying aside the propriety of disposing of Mr. Vansittart's case was it possible they should be called upon at a moment's notice to take up a question of such importance and one which the people of the country was so much interested in without them having the correspondence on the subject laid before them. It had only been laid before the House yesterday and he had moved that it be printed, and the House ordered it to be printed and what was their object in getting it printed but to let hon. Members know its contents and with the view of its being placed before the public, and of getting their opinion upon it; and was the House to be called to vote upon, at that moment, and to pass such a measure after a few moments notice? The House ought to be in a position to discuss the subject fully, and they could not be so without having the correspondence before them. He (Sir A.) considered it would be one of the most ruinous things that could take place, to throw open the whole of the coasting trade of Upper Canada to their neighbours, (Hear, hear.) And, he would ask if Members opposite were as ignorant upon the subject, as he was, would they not like to see a Committee appointed and evidence taken upon the subject, before voting upon it, for especially great changes had taken place, since the former address had been sent home. They had seen the address of Sir Robert Peel's son, and it did not give them to understand that the Imperial Government were in favour of continuing protection upon their grain<sup>33</sup> OR Sir R. Peel's son had told the people at the hustings that the Government would continue protection on our flour<sup>34</sup> and had Mr. Cobden the idol of the free trade party been since burnt in effigy, and had not Mr. Cobden been defeated at the hustings<sup>35</sup> in his own county, and a protectionist returned in his place. (Cries of no.)<sup>36</sup>

MR. INSP. GEN. HINCKS.--He is a Member still.<sup>37</sup>

SIR A. MACNAB ((continued:)) He knew that but had he not been driven from the hustings<sup>38</sup> not as candidate ... where he went to try to get a free-trader elected.<sup>39</sup> The hon. Member for the Fourth Riding had said it was not proper for the country that he (Sir A.) was in a minority, the hon. Member had a majority now; but it was not the first time that he was in a minority and when was he ever in a majority in his own country, and had he now a majority of the members of Upper Canada (yes, yes,) it was a very small one then, and one which he (Sir A.) did not believe he would have again. (Hear, hear.) Whether this question was one upon which great differences of opinion existed among the people (cries of no difference) he was not sure about that; but was it not a matter which the whole country should examine into, should it not be referred to a committee to be fully investigated and evidence taken upon it. The Address would have no credit at home, if it was hurried through in the manner proposed. They would say there, that the people of the country have not been allowed to give their opinion about it, that the House had not fully considered the matter. And why had the House ordered 500 copies of the correspondence to be printed, surely not for its own use, they did not require so many; was it not that the correspondence might be circulated over the country, with a view of obtaining the opinions of the people upon it. The measure might enable

some merchants in Upper Canada to get their goods a little cheaper, because freight might be a little reduced, but he had never heard that there had been any scarcity of shipping, and they had no evidence that there had. He believed that they could carry a barrel of flour from Cleveland to Quebec for 2s. 4d., while it cost 5s. to carry it from Cleveland to New York, and that it only cost 3s. 6d. to 4s. from Quebec, while it cost nearly the same from New York, and the carrying trade was of great advantage to the country, and he was not prepared to throw it open without some equivalent; and he believed that the Ministry only wanted to get the Address sent home to strengthen the hands of the free traders; while he thought they should rather strengthen the hands of those who were for giving them protection and they should first see what was done in the House of Commons before that they declared their sentiments on the matter. They knew that the Imperial Parliament was going to consider the question soon, and it was likely that it would probably continue their protection; their policy was certainly not fixed, but from what was stated in the Address of Sir Robert Peel's son, and which was supposed to have been written by his father, it was very probable that their protection would be continued, and he thought they ought rather to strengthen the hands of those friends of this country who were in favor of giving them protection than those of the Free Traders. The Resolution stated that the Repeal of the Navigation Laws would lower the cost of freights. We (sic) supposed it was higher at New York than at Quebec, but was it not cheaper from the Lakes to Quebec, than from there to New York.<sup>40</sup>

MR. INSP. GEN. HINCKS, certainly.<sup>41</sup>

SIR A. MACNAB.--And what was the difference between it from Quebec and from New York.<sup>42</sup>

MR. HOLMES.--It was double.<sup>43</sup>

SIR A. MACNAB.--He did not think so, and that was the reason he wanted the subject to be referred to a select committee; he wanted to ascertain the fact, he had been told the difference was not very great.<sup>44</sup>

MR. HOLMES.--You must have been misinformed.<sup>45</sup>

SIR A. MACNAB.--Well there parties differed, and that was why he desired to have a committee. He knew little about it; but it seemed also as if the hon. member's constituents thought he knew very little about it, and if he were well informed, he himself had spoken as if he had not well made up his mind. It was very cruel of the hon. member's constituents to hiss him<sup>46</sup> when he was anxious to explain his views upon the subject.<sup>47</sup> He believed that the carrying trade was of vital importance to the interests of the Province, and would be ruined by admitting the Americans to the Lake coasting trade.<sup>48</sup> The hon. Member then noticed several parts of the Address, and concluded by again deprecating the taking up and deciding such an important matter without fair time being allowed for Members to think upon it, and to express their sentiments.<sup>49</sup>

MR. INSP. GEN. HINCKS said, that more importance had been attached to the correspondence than it merited.<sup>50</sup> If there were any new information in the documents ordered, there would be some reason for delay; but, in



fact, there was none. The papers consisted only of addresses from different bodies in this country, and answers from the colonial office, all of which had been printed for months in the newspapers. The whole thing had been discussed for two years, and was no longer a question requiring discussing.<sup>51</sup> He did not wish to hurry the matter through, but he had brought it on after the usual notice, and he did not expect that there would have been any difference of opinion upon the subject<sup>52</sup>. The hon. and gallant member had talked of free trade and protection, without knowing much upon the subject. The fact was, that the difference of opinion related to<sup>53</sup> the propriety of protecting home manufactures, but that had nothing to do with the repeal of the Navigation Laws; and neither had the question of throwing open their coasting trade<sup>54</sup>. Every one in Montreal, and throughout the Province, almost, was in favour of their repeal.<sup>55</sup> He had trusted that the Address would have passed without any division, but that it should have gone to England as the unanimous vote of the House, and shown them that they were unanimous in demanding a repeal of the Navigation Laws.<sup>56</sup> The honorable and gallant member talked about Sir Robert Peel. He doubted whether there was any probability of protection being continued. But this question had nothing to do with the protection of breadstuffs, and its being carried would be advantageous for Canada in any case.<sup>57</sup> And was their commerce to be destroyed by the mere waiting for a change in England<sup>58</sup>. He was not prepared to wait for years, in expectation of the protection being renewed.<sup>59</sup> Under all circumstances, it was their interest to demand a repeal of the navigation laws. And the member for Hamilton was much deceived in thinking the Address had any reference to their coasting trade.<sup>60</sup> As to the internal navigation, that was quite a different question. The object was to have that matter placed in the hands of the Executive Counsel. No legislative action was necessary; but he stated for himself and his colleagues, they were not prepared immediately to open the St. Lawrence to the Americans without compensation. The only interest that could be affected by the repeal of the Navigation Laws, would be that of the shipowners of this country<sup>61</sup> navigating the St. Lawrence to Quebec<sup>62</sup>. But that interest was certainly too small to weigh against the other interests of the entire Province. The hon. member was quite mistaken about the reaction in England<sup>63</sup> in supposing that the result of the election for the West Riding of York afforded any evidence of a change in the public mind in England, because the successful candidate, Mr. Dennison, said that however much he doubted the advantage of Free Trade, it would be madness for them to go back to their old system. He (Mr. H.) did not deny that it would not be for the advantage of Canada that it could get protection, but it was in vain to expect it, after what had been said by public men in England on both sides. He (Mr. H.) was desirous of protecting Canadian shipping, but the members opposite appeared desirous to drive all their produce through the Erie Canal, where it must go if the Navigation Laws were not repealed.<sup>64</sup>

MR. ROBINSON said he had seconded the motion because he thought there would be a long discussion on the subject.<sup>65</sup>

(34)

*And the Question being put on the Amendment, the House divided:--And it passed in the Negative.*

Only nine voting for it.<sup>66</sup>

SIR A. MACNAB then moved another amendment, to the effect that it was not expedient to go into committee of the whole on the subject, until the correspondence had been placed in the hands of members, and until it had been referred to a select Committee, and evidence taken. He spoke at some length in favour of postponing the address, and in concluding his remarks he stated that if the coasting trade of Upper Canada was thrown open, the country would soon cease to be a part of the British Empire. Their safety mainly depended upon maintaining a naval supremacy upon the Lakes, and if they were thrown open, their neighbours would soon, within a few months, have such a fleet in them, as would quite overpower theirs.<sup>67</sup>

MR. SHERWOOD hoped the matter would be postponed until Monday, as he was desirous of moving that the address be amended, so as to declare that they were desirous of having Protection continued, but demanding in case it was refused that the Navigation Laws be repealed.<sup>68</sup>

MR. CAYLEY, also intimated that he was going to propose an amendment. After some remarks from several members, it was agreed that the matter should stand over to Monday, with the understanding that no objection should then be made to going into the consideration of the address.<sup>69</sup>

MR. INSP. GEN. HINCKS said he wished to have the address go home by the mail, and if it were arranged that it should be carried on Monday, without delay, he would put off the consideration of it till that day.<sup>70</sup>

(34)

*On motion of the Honorable Mr. Hincks, seconded by Mr. Cauchon,  
Ordered, That the further consideration of the main Question be postponed  
until Monday next.*

Petition of  
Lands, &c.,  
Bill.

*The Order of the day for the second reading of  
the Bill to amend and extend certain provisions of  
an "Act to facilitate the partition of Lands, Tene-  
ments, and Hereditaments in certain cases in Lower*

*Canada," being read;*

*The Bill was accordingly read a second time; and committed to a  
Committee of the whole House.*

*Resolved, That this House will immediately resolve itself into the said  
Committee.*

*The House accordingly resolved itself into the Committee.*

*Mr. Laurin took the Chair of the Committee; and after some time spent  
therein;*

*Mr. Speaker resumed the Chair;*

*And Mr. Laurin reported, That the Committee had gone through the Bill,  
and made amendments thereunto.*

*Ordered, That the Report be now received.*

*Mr. Laurin reported the Bill accordingly; and the amendments were read,  
and agreed to.*

*Ordered, That the Bill, with the amendments, be engrossed, and read the  
third time this day; and that the Rules of this House be suspended as  
to the same.*

Oxford Election.

*The Order of the day for taking into further  
consideration the case of John George Vansittart,*



Esquire, Returning Officer at the last General Election for the County of Oxford, being read;

And the House being informed that Mr. Vansittart was at the door, he was called in; and attended at the Bar.

And the House being also informed that Mr. George Washington Whitehead attended at the door; he was again called in; and, at the Bar, his examination resumed, as followeth:--

By Sir Allan N. MacNab:--

15. Did Mr. Brown conduct himself in a violent manner on that occasion, and did he use insulting language to the Returning Officer?--He did not at the time of nomination.

16. Did Mr. Brown, or any other person on behalf of Mr. Hincks, object to the amendment made by Mr. Carroll to his qualification oath?--Mr. Brown objected to any alteration being made in Mr. Carroll's qualification oath after it had been received by the Returning Officer.

17. Were you present when the show of hands was asked for by the Returning Officer?--I was.

18. Did the Returning Officer declare the Honorable Francis Hincks duly elected by show of hands or did he declare the majority to be in favor of the Honorable Francis Hincks?--He did not declare Mr. Francis Hincks duly elected, but that the show of hands was in Mr. Hincks' favor.

19. What reasons were assigned by the Returning Officer for fixing the polling days on Saturday and Monday?--The first reason assigned was, that the Quarter Sessions came on the Tuesday following, and that the Clerk of the Peace would serve as one of the Deputy Returning Officers, and if the Election was put over Monday it would interfere with the public business of the Court.

20. Did the Quarter Sessions meet on Tuesday; and who was then Clerk of the Peace for the said District?--The Quarter Sessions met on Tuesday, and William Lapenotière, Esquire, was Clerk of the Peace.

21. Was the said Lapenotière a Deputy Returning Officer for the said Election?--I understood from Mr. Lapenotière that he was.

22. Did you take the notes referred to in a former answer as an accustomed habit, or for a specific purpose?--It is the custom with me, and has been for the last thirty years, to take notes on matters connected with public affairs with which I have any connection, and I did not take these notes for any specific purpose, other than being a usual practice with me.<sup>72</sup>

COL. WHITEHEAD requested leave to correct some parts of his evidence, which had been wrongly taken down. He meant to say that the Returning Officer had made the objection to the qualification, not because Mr. Hincks was out of the country, but because he was in the country. This answer was given on Thursday night.<sup>73</sup>

(34)

By the Honorable F. Hincks.

23. Have you been in the habit of taking any active part in all political contests in the County of Oxford for many years back?--I have been in the habit since 1820, of taking more or less interest in the public and political affairs of the County of Oxford.

24. Have you not been one of the leading supporters of what is known as the Conservative party in that County?--I have.

25. Were you at one time a candidate for the Representation of the County of Oxford at the last General Election, in opposition of Mr. Hincks?--I had a requisition presented to me, with nearly three hundred signatures, requesting me to come forward as a candidate at the last General Election for the County of Oxford, which I declined accepting, and did not come forward as a candidate.

26. Did you decline accepting that invitation immediately, or were you for some time a candidate?--The same day on which the requisition was presented I published an address declining to come forward as a candidate on that occasion.

27. Were you not a candidate previous to the receipt of the requisition?--I was spoken to and desired to come forward, and should have done so if Mr. Carroll had not been in the field.

28. Did you not withdraw in favor of Mr. Peter Carroll, the candidate who was declared elected by Mr. Vansittart, and publish an address to the constituency in his favor?--I gave all my interest to Mr. Carroll, and in my address to the Electors desired them to vote for Mr. Carroll.

29. Were you not, after publishing an address in favor of Mr. Carroll, selected as Deputy Returning Officer of the Township of Burford by Mr. Vansittart?--It was some time after the address was published before the Election came on, and I was appointed, by Mr. Vansittart, Deputy Returning Officer for the Township of Burford.

30. Can you state about what length of time elapsed between the publication of your address and the Election?--I cannot state the precise time between the publishing of the address and the day for holding the Election; it might have been nearly two weeks.

31. Are you acquainted with George G. Ward, Esquire, J. P. of Burford; if so, state whether you know what course that gentleman took in the contest between Mr. Hincks and Mr. Riddell?--I know Mr. Ward very well; he was a near neighbour of mine, and he supported Mr. Riddell.

SIR A. MACNAB denied the right of the Inspector General to put certain questions. The case for the prosecution was closed<sup>74</sup> last session.<sup>75</sup> Mr. Vansittart had been allowed to bring evidence in his own behalf.<sup>76</sup>

MR. WILSON supported this view of the question.<sup>77</sup>

MR. INSP. GEN. HINCKS did not understand the expression of the hon. member for Hamilton about the "case being closed."<sup>78</sup> Mr. V. was called to explain certain matters connected with the Oxford election. After the House had passed a series of resolutions relative to that election, he was examined at the bar by members of both sides the House. After that, Mr. Brown was examined by this House, he having been present at the election. This was not a case between plaintiff and defendant, and the witnesses were not to be examined as if this was a Court of Justice. The only object of the House was to obtain the truth and to derive all the information possible from the witnesses who appeared at the bar.<sup>79</sup> His question certainly turned out to be irrelevant, but he imagined that the contrary would be the case.<sup>80</sup>

MR. AT. GEN. BALDWIN also thought this question perfectly relevant. Mr. Vansittart appeared at the bar in consequence of charges brought against him, he was there to clear himself of the imputations that the evidence taken last session had cast upon his character, of having acted not only



incorrectly but contrary to his own judgment. Any evidence therefore which tended to show that Mr. Vansittart's conduct was not only incorrect, but corrupt was undoubtedly proper evidence and perfectly relevant.<sup>81</sup>

COL. WHITEHEAD was proceeding to answer another question put to him by Mr. Hincks, as to whether he had heard that Mr. Ward had been applied to, to become Deputy Returning Officer for the Township of Bertram, but had afterwards not been appointed<sup>82</sup>.

MR. WILSON objected to the question being put, as it was based upon hearsay evidence.<sup>83</sup>

SIR A. MACNAB said that on the occasion of Mr. George Brown being examined that a question of the same description to the effect that Mr. Brown had been told by a political opponent that Mr. Vansittart had said that he would hold the election good for that day, was, upon the vote of the house, not allowed, in consequence of its being hearsay evidence which Sir Allan proved by reading an extract from the journals of the house.<sup>84</sup>

MR. INSP. GEN. HINCKS did not wish to obtain hearsay evidence. His object was to show that Mr. Ward had been a supporter of Riddel, but that like many others in this Country, he had become disgusted with the political party then in power, and intended to vote for Mr. Hincks. Mr. (as we understood) Whitehead had published an address, and that after Mr. Ward had been applied to, for his consent to act as Deputy Returning Officer, Mr. Whitehead had been appointed.<sup>85</sup>

MR. SOL. GEN. BLAKE said the objection seemed to be that the question was founded on hearsay evidence, but it was simply this. Did Ward not say before the election that he had changed his political opinions.<sup>86</sup>

SIR A. MACNAB rose, and said that he had just received a note from Mr. Vansittart, which he read--in which that gentleman requested that no objection should be made to any questions that<sup>87</sup> the house might think proper to put.<sup>88</sup> After that request from Mr. Vansittart, Sir Allan said he should be silent.<sup>89</sup>

MR. BOULTON wished the question to be put in the following manner. If Col. Whitehead knew why Mr. Ward had not been appointed Deputy Returning Officer.<sup>90</sup>

(34)

32. *Are you aware whether Mr. Ward was applied to by Mr. Vansittart to act as Deputy Returning Officer for Burford previous to your being appointed; and are you aware whether he consented to act?--I know nothing of any application from Mr. Vansittart to Mr. Ward previous to the day on which the Election commenced in the Township. I then understood from Mr. Ward that he had been applied to by Mr. Vansittart some time previous, requesting to know if he, Mr. Ward, had any objection to serve as Deputy Returning Officer if Mr. Vansittart should find it necessary to appoint him, and that he had consented to act when called upon.*

MR. WILSON objected to the question<sup>91</sup>.

SIR A. MACNAB denied the admissibility of hearsay evidence, as being

contrary to legal and Parliamentary practice.<sup>92</sup>

MR. SOL. GEN. BLAKE thought that if hon. members had attended to the question, they would have found that it did not advert to hearsay evidence. He did require the permission of Hon. members on the other side to question, but upon established right.<sup>93</sup>

(35)

33. Did not Mr. Ward, some short time before the Election, declare that he was dissatisfied with the conduct of Mr. Riddell, whom he had formerly supported, and that he intended to support Mr. Hincks at the General Election?--During the electioneering canvass, Mr. Ward, in conversation with me, said he would support Mr. Hincks. About a fortnight previous to the Election, Mr. Ward left Mr. Hincks' cause, and took up Mr. Campbell's who was also a candidate. Mr. Ward canvassed parts of the County with Mr. Campbell and came to the Election and voted for Mr. Hincks.

34. Did you open a Poll Book at the Election, and receive votes for Mr. Hincks?--I did.

35. From whom did you receive that Poll Book; was it ruled and prepared for use; was Mr. Hincks' name at the head of one of the columns?--I received a Poll Book from the Sheriff's Bailiff on the afternoon previous to the day of the Election, and it was ruled. I am not certain whether I inserted the names in the columns or not; to the best of my recollection I did, but I am not clear upon that point.

36. How many polling places were there in the County of Oxford at the last General Election?--I am not able to say precisely. I think there must have been eleven; but I am not positive of this.

37. Is it a fact that all the Deputy Returning Officers appointed by Mr. Vansittart were opponents of Mr. Hincks?--I don't know who all the Deputy Returning Officers were.

38. Are you acquainted with Robert Stroud, of Dereham; John Jackson, of Blenheim; Arthur Farmer, of East Zorra; William Thompson, of Oakland; John D. Dent, of West Zorra; Henry Crotty, of North Oxford; Emilius Fauquier, of Blandford; John A. Tidey, of Norwich; William Withers, of Nissouri; Charles N. Thomas, of West Oxford, and William Lapenotière, of Woodstock; if so, do you not know them all to be strong political opponents of Mr. Hincks,--and are they not among the most active Conservative leaders in their respective Townships?--I am acquainted with Robert Stroud, of Dereham, who is a Magistrate; with John Jackson, of Blenheim, who is also a Magistrate. I have no acquaintance with Mr. Farmer. I know William Thompson, of Oakland, who is a Reformer. I know John D. Dent, of Zorra, who is also a Magistrate. I am not acquainted with H. Crotty, of North Oxford; neither am I acquainted with Emilius Fauquier. I am acquainted with J. A. Tidey, of Norwich, who is a Magistrate. I know William Withers, of Nissouri, but I do not know his politics. I know Charles N. Thomas, of West Oxford: I do not know anything of his politics. I know William Lapenotière, of Woodstock, and he tells me he does not profess any politics. All those whose line of politics I have not specially mentioned, I believe to be opponents to Mr. Hincks; some of them are active leaders, and especially Mr. Jackson in his Township.

MR. INSP. GEN. HINCKS contended that his queries were perfectly relevant, and said that the queries put to Mr. Brown last session bore less analogy



to the subject than those he was now putting to the witness at the Bar.<sup>94</sup> ((He)) denied referring to certain questions and answers recorded in the Journals, as part of the examination in the same matter last Session. Mr. Vansittart, he said, had taken a step, to say the least, unjust, in giving certain instructions to his Deputies, and the object of his (Mr. Hincks') question, was to ascertain the nature of those instructions.<sup>95</sup>

(35)

39. Are you not aware that great dissatisfaction was felt by the inhabitants of Norwich at Mr. Tidey's conduct as Deputy Returning Officer; and have not many of the inhabitants of that Township complained bitterly that they were disfranchised at the last two Elections by the Deputy Returning Officers?--I have understood from general report that such was the case.

40. Has not Mr. Lapenotière always supported the Conservative cause at Elections and elsewhere; have not his declarations of having no politics been made since the Reformers have had a majority in the District Council of which he is Clerk?--I don't know how Mr. Lapenotière has ever voted at any Election. I am of opinion that he does not take any very active part in political matters; and his statement to me that he professed no particular line of politics has been made on several occasions before and since he was Clerk of the District Council.

41. Are you acquainted with Colonel Scatchaird, J. P. of Nissouri, and with Jared Vining, Esquire, J. P. of the same Township; have not both these gentlemen acted as Returning Officers for the County of Oxford? Has not Mr. Vining served as Warden of the District Council; and has he not been elected twice Councillor for Nissouri for several years?--I am acquainted with both Mr. Scatchaird and Mr. Vining. Mr. Scatchaird served as Returning Officer for the County of Oxford, I think, at Mr. Hincks' second election for that County. Mr. Vining served as Returning Officer at Mr. Hincks' last election. Mr. Vining represented the Township of Nissouri for some years as a Councillor, and for the last two years he served as a Warden of the District of Brock.

42. Do you not consider that either of these gentlemen could have been an eligible Deputy Returning Officer for the Township of Nissouri?--I do.

43. Did Mr. Vansittart send any circular to you in reference to his construction of the Alien Act or the Naturalization Act; if so, can you state the nature of such circular?--There were instructions accompanying the Poll Books, and there was one pointing out the duty to be observed by me as Deputy Returning Officer respecting Aliens, the particulars of which I do not remember; I made no use of them.

44. Were those instructions of which you made no use in accordance with your own views as to the law regarding Aliens?--My reasons for not using the instructions were, that I had examined into the various Statutes bearing upon Aliens, and came to the conclusion that Aliens were not entitled to vote at the then Election, and paid no attention at any other opinion respecting Aliens. As far as my memory serves me at present, my views were not in accordance with those instructions.

45. Were the instructions from the Returning Officer as to the interpretation of the law regarding Aliens calculated to limit or extend the franchise as compared with your own views on the subject of the Alien and

Naturalization Acts?--They extended the elective franchise, and would have admitted a certain class of Aliens to vote, whom I rejected.

46. What class of Aliens do you refer to in your last answer?--To those who had not taken the oath of allegiance prior to the date of March, 1820; and those who did not produce the County Register Certificate of having taken the oath of allegiance required by the Statute.

47. What instructions were given by Mr. Vansittart regarding persons who came into the Province before 1820?--I do not remember what the instructions were upon that subject, and I do not remember that there were any.

48. What then do you mean by saying that Mr. Vansittart's instructions were calculated to induce you to extend the franchise?--The result of comparing my memorandum with the instructions together with Mr. Scatchaird, who appeared as Mr. Hincks' agent at the Election; and I think that Mr. Scatchaird was desirous that I should be guided by the instructions, and not my own views.

49. What are your views regarding the rights of persons to vote who came into the Province before 1820?--It is quite impossible for me to give my views satisfactorily at this time and place, without reference to the authority of the Statute.

((The)) latter ((question)) was opposed by SIR A. MACNAB, who<sup>96</sup> objected to the time of the House being occupied in questions which were totally irrelevant to the question before the House, observing that Mr. Hincks might as well ask the witness what were his views respecting responsible government.<sup>97</sup>

(35)

50. Did you, at the last Election, admit the votes of persons who came into the Province before 1820, on their taking the oath of allegiance, or would you have admitted such votes if offered?--Persons who came into the Province before 1820, and produced a certificate of having taken the oath of allegiance before a Commissioner duly authorized to administer

(36)

such oath, and all those who came in after March, 1820, and produced the County Register certificate; I would have recorded these votes; and on the first day of Election I would not have taken the vote of any other class of Aliens. On the afternoon of the second day of the Election I would have recorded the votes of all Aliens who came within the provisions of the Proclamation relating to Aliens, and that day received by me.

51. How could Mr. Vansittart's instructions have been calculated to extend the franchise than your own view of the law, as just explained?--I have not this late period very distinct recollections of what those instructions were, but I remember that Mr. Hincks' agent was desirous that I should follow out the instructions, he considering them more liberal than my own views.

52. What more liberal view could be taken by any one regarding persons who came into the Province before 1820, than that just expressed by you as the one on which you acted?--I do not know.

53. Was the qualification of Mr. Hincks required before or after the demand for a show of hands?--I do not remember whether it was before or after.



By Mr. Notman.

54. Did Mr. Vansittart at any time during the nomination or election, announce to the Electors, that Mr. Hincks was ineligible, from a defective qualification, or any other cause?--Not in my presence or hearing.

55. Were any instructions given to you, or at any other Deputy Returning Officer by Mr. Vansittart, not to receive votes for Mr. Hincks?--There were no instructions given to me of that kind, and I know nothing of what was given to the other Deputy Returning Officers.

By Mr. Smith, of Durham.

56. What part did you take in the discussion upon the question of the insufficiency of the qualification of the Honorable Francis Hincks, at the day of the nomination; did you give your opinion or views upon the subject one way or the other; and if so, what opinion did you give thereon; and did you give any opinion as to the proper course for the Returning Officer to pursue, and what advice or opinion did you give with respect to receiving or rejecting such qualification?--The only conversation that I had on the day of the nomination respecting Mr. Hincks' qualification, was with some of the electors. I gave no opinion to the Returning Officer, not any advice as to the course he should pursue respecting the qualification, neither at that time nor at any subsequent period.

SIR A. MACNAB said, the question submitted was one by which it was sought to damage the witnesses (sic) standing amongst his neighbours; although he thought Returning Officers had a perfect liberty to vote. The witness at the bar might, at the next election, be a candidate for the County of Oxford, and it was sought by this question to damage his interest.<sup>98</sup>

MR. J. S. MACDONALD (Glengarry) thought the best plan would be to let him answer the question, in order that he might be off at once to canvass the county.<sup>99</sup>

The question was then allowed to be put.<sup>100</sup>

(36)

57. Look at the Poll Book for the Township of Burford, now shewn to you; is the name "George W. Whitehead" entered last in the voters' column, intended for your name; explain why it was so entered; if for the purpose of voting, for whom did you tender or intend to give your vote at the last election for the County of Oxford, and why was your vote not recorded?--That is my name upon the Poll Book. It was placed there by my directions for the purpose of voting for Mr. Carroll. Mr. Hincks' agent raised an objection, that there was no person authorized to administer the oath of my qualification; and during the discussion the hour for closing the Poll arrived, and the vote was not recorded.

SIR A. MACNAB, and MR. J. A. MACDONALD, of Kingston, asked the hon. member how he knew that to be the Poll-Book? and, presuming it was so, it ought, at that moment to have been in the possession of the Clerk of the Crown in Chancery, in order that no alteration or mutilation could possibly take place.<sup>101</sup>

It was explained that the books had been obtained last session from the Clerk of the Crown, and had remained in charge of the Clerk of the House.<sup>102</sup>

MR. NOTMAN said, if any one was to blame it was himself. He went to the clerk and demanded the books not as a favor, but as a right.<sup>103</sup>

MR. J.S. MACDONALD said he, and no doubt other members as well, were tired of this Oxford Election business, he would be glad to get rid of it and let the principal and witnesses return to their homes. Let Mr. V. go home and canvass the Electors of Oxford as fast as he pleases, as the hon. member had mentioned the probability of such a proceeding.<sup>104</sup>

(36)

58. Did Mr. Brown take any part in the discussion with the Returning Officer about the qualification, at the time when, as you state in one of your answers, there was some confusion, and when conversation took place which you did not hear?--Mr. Brown took an active part in the discussion, and insisted upon the Returning Officer deciding at the time upon the qualification oath of Mr. Hincks. I do not know what passed between them during the conversation, when several persons were conversing upon the subject at the same time. I did not pay attention to all that was said during that part of the conversation, when several persons were engaged in it.

By Mr. Smith of Frontenac.

59. Have you had an interview or conversation with the Honorable Francis Hincks in relation to the evidence you have given, or were about to give before this House?--Since I came to this place, Mr. Hincks met me in the Picture Gallery of the House, and enquired if Mr. Vansittart had come down, and whom he had brought as witnesses. I replied, myself and Mr. Deedes; and Mr. Hincks remarked that he had no personal feeling against Mr. Vansittart, and hoped the question would be disposed of in the earliest possible manner, or words to that effect.

By Sir Allan N. MacNab.

60. Did the confusion you have alluded to, as existing during part of the proceedings on the day of nomination, prevent your hearing all that passed between Mr. Brown and the Returning Officer?--It did not prevent my hearing a great deal of what was said on the occasion. The confusion spoken of arose out of general conversation and the occasional cheering of the spectators.

And then Mr. Vansittart, and the Witness, were directed to withdraw.

On motion of Mr. Smith of Frontenac, seconded by Sir Allan N. MacNab, Ordered, That the further consideration of the case of John George Vansittart, Esquire, Returning Officer at the last General Election for the County of Oxford, be postponed until Monday next.

Partition of  
Lands, &c., Bill.

An engrossed Bill to amend and extend certain provisions of an "Act to facilitate the partition



of Lands, Tenements and Hereditaments in certain cases in Lower Canada," was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

Stormont Election.

According to Order, James Hall, Esquire, Member for the County of Peterborough, who was absent, yesterday, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Stormont, attended in his place; and having given satisfactory reasons for his not being present at the meeting of the Committee on that day; and having verified the same upon oath;

Ordered, That Mr. Hall be excused for not attending the Committee, yesterday.

According to Order, Robert Bell, Esquire Member for the County of Lanark, who was absent, yesterday from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Stormont, attended in his place; and having given satisfactory reasons for his not being present at the meeting of the Committee on that day; and having verified the same upon oath;

Ordered, That Mr. Bell be excused for not attending the Committee, yesterday.

According to Order, the Honorable Mr. Boulton, Member for the County of Norfolk, who was absent, yesterday, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Stormont, attended in his place;

(37)

and having given satisfactory reasons for his not being present at the meeting of the Committee on that day; and having verified the same upon oath;

Ordered, That the Honorable Mr. Boulton be excused for not attending the Committee, yesterday.

Limitation of Actions Bill.

The Order of the day for the second reading of the Bill to alter the Law relating to the limitation of Actions in this Province, being read; The Honorable Mr. Boulton moved, seconded by Mr. Smith, of Frontenac, and the Question being proposed, That the Bill be now read a second time.

Mr. Laurin moved in amendment to the Question, seconded by Mr. Fournier, That all the words after "That" to the end of the Question be left out,

and the words "the remaining Orders of the day be postponed until Monday next," added instead thereof.

And the Question being put on the Amendment, the House divided; and it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Orders  
referred.

Ordered, That the remaining Orders of the day be  
postponed until Monday next.

Then, on motion of Mr. Fournier, seconded by Mr. Mongenais,  
The House adjourned until Monday next.



FOOTNOTES: 26 JANUARY 1849.

1. The debate on this matter was reported by: BROCKVILLE RECORDER, 8 February 1849, which acknowledged MONTREAL TRANSCRIPT as its source; MONTREAL GAZETTE, 29 January 1849, and NIAGARA MAIL, 7 February 1849, the first part of which was not on the microfilm, and which has a few speeches identical to MONTREAL GAZETTE; PILOT, 29 January 1849, BRITISH WHIG, 31 January 1849, GLOBE, 3 February 1849, PROVINCIALIST, 5 February 1849, and BATHURST COURIER, 2 February 1849, in identical accounts, except that PROVINCIALIST did not report the resolutions, and BATHURST COURIER omitted several speeches; and MORNING CHRONICLE, 2 February 1849. LA MINERVE, 29 January 1849, noted the debate.
2. MONTREAL GAZETTE, 29 January 1849.
3. PILOT, 29 January 1849.
4. MONTREAL GAZETTE, 29 January 1849.
5. IBID.
6. PILOT, 29 January 1849.
7. MONTREAL GAZETTE, 29 January 1849.
8. IBID.
9. PILOT, 29 January 1849.
10. IBID.
11. MONTREAL GAZETTE, 29 January 1849.
12. PILOT, 29 January 1849.
13. MONTREAL GAZETTE, 29 January 1849.
14. IBID.
15. PILOT, 29 January 1849.
16. MONTREAL GAZETTE, 29 January 1849.
17. PILOT, 29 January 1849.
18. MONTREAL GAZETTE, 29 January 1849.
19. PILOT, 29 January 1849.
20. IBID.
21. MONTREAL GAZETTE, 29 January 1849.
22. PILOT, 29 January 1849.
23. MONTREAL GAZETTE, 29 January 1849.
24. IBID.
25. PILOT, 29 January 1849.
26. MONTREAL GAZETTE, 29 January 1849.
27. PILOT, 29 January 1849.
28. MONTREAL GAZETTE, 29 January 1849.
29. PILOT, 29 January 1849.
30. MONTREAL GAZETTE, 29 January 1849.
31. PILOT, 29 January 1849.
32. MONTREAL GAZETTE, 29 January 1849.
33. IBID.
34. PILOT, 29 January 1849.
35. MONTREAL GAZETTE, 29 January 1849.
36. PILOT, 29 January 1849.
37. MONTREAL GAZETTE, 29 January 1849.
38. IBID.
39. PILOT, 29 January 1849.
40. MONTREAL GAZETTE, 29 January 1849.
41. IBID.
42. IBID.

43. IBID.
44. IBID.
45. IBID.
46. PILOT, 29 January 1849.
47. MONTREAL GAZETTE, 29 January 1849.
48. PILOT, 29 January 1849.
49. MONTREAL GAZETTE, 29 January 1849.
50. IBID.
51. PILOT, 29 January 1849.
52. MONTREAL GAZETTE, 29 January 1849.
53. PILOT, 29 January 1849.
54. MONTREAL GAZETTE, 29 January 1849.
55. PILOT, 29 January 1849.
56. MONTREAL GAZETTE, 29 January 1849.
57. PILOT, 29 January 1849.
58. MONTREAL GAZETTE, 29 January 1849.
59. PILOT, 29 January 1849.
60. MONTREAL GAZETTE, 29 January 1849.
61. PILOT, 29 January 1849.
62. MONTREAL GAZETTE, 29 January 1849.
63. PILOT, 29 January 1849.
64. MONTREAL GAZETTE, 29 January 1849.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. PILOT, 29 January 1849.
71. BROCKVILLE RECORDER, 8 February 1849.
72. The debate on this matter was reported by: MONTREAL GAZETTE, 29 January 1849; BROCKVILLE RECORDER, 8 February 1849, which acknowledged MONTREAL TRANSCRIPT as its source; PILOT, 29 January 1849, GLOBE, 3 February 1849, in identical accounts. Commentaries may be found in: PILOT, 31 January 1849; STANSTEAD JOURNAL, 8 February 1849; LE JOURNAL DE QUEBEC, 1 February 1849; and GLOBE, 3 February 1849.
73. PILOT, 29 January 1849.
74. MONTREAL GAZETTE, 29 January 1849.
75. PILOT, 29 January 1849.
76. MONTREAL GAZETTE, 29 January 1849.
77. IBID.
78. IBID.
79. PILOT, 29 January 1849.
80. MONTREAL GAZETTE, 29 January 1849.
81. PILOT, 29 January 1849.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. BROCKVILLE RECORDER, 8 February 1849.
88. PILOT, 29 January 1849.
89. BROCKVILLE RECORDER, 8 February 1849.



90. PILOT, 29 January 1849.
91. MONTREAL GAZETTE, 29 January 1849.
92. IBID.
93. IBID.
94. BROCKVILLE RECORDER, 8 February 1849.
95. MONTREAL GAZETTE, 29 January 1849.
96. BRITISH WHIG, 8 February 1849.
97. MONTREAL GAZETTE, 29 January 1849.
98. PILOT, 29 January 1849.
99. IBID.
100. IBID.
101. MONTREAL GAZETTE, 29 January 1849.
102. BROCKVILLE RECORDER, 8 February 1849.
103. IBID.
104. MONTREAL GAZETTE, 29 January 1849.
105. PROVINCIALIST, 5 February 1849.

MONDAY, 29 JANUARY 1849.

(37)

Mr. Dickson  
takes his seat.

WALTER H. DICKSON, Esquire, Member for the Town of Niagara, having previously taken the Oath, according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Jobin,--The Petition of Andrew MacFarlane and others, of the City of Montreal.

By Mr. Chauveau,--The Petition of the Reverend P. Huot and others, of the Parish of St. Foye, Counties of Quebec and Portneuf; the Petition of Louis Legendre, Esquire, and others, of the Parish of St. Louis de Lotbinière; the Petition of Eugène L'Ecuyer, of the City of Quebec, Notary Public; and the Petition of George O'Kill Stuart, Esquire, and others, of the City of Quebec.

By Mr. Bouthillier,--The Petition of the Corporation of the College of St. Hyacinthe.

By Mr. Cauchon,--The Petition of the Reverend L. Provancher and others, of Lambton and other Townships, County of Megantic.

By Mr. Scott of Two Mountains,--The Petition of the Directors of the Academy of Berthier (aid to enlarge Building); the Petition of Jean Baptiste Cartier and others, of St. François du Lac; and the Petition of the of the Directors of the Academy of Berthier (usual grant).

By Mr. Fortier,--The Petition of J. B. Charland and others, of the Parish of St. Grégoire, County of Nicolet.

By Mr. Egan,--The Petition of Alexander M'Donell and others.

By Mr. Brooks,--The Petition of the Trustees of the Richmond Academy.

By Mr. Seymour,--The Petition of Elijah R. Parks and others, of the late Province of Upper Canada; and the Petition of Richard Daverne, of Adolphustown, Midland District.

By the Honorable Mr. Cameron, of Kent,--The Petition of George Hyde, Esquire, and others, of the Townships of Sarnia and Plympton, in the Western District, and others of the Huron Tract; the Petition of James Porter, Esquire, and others, inhabitants of the northern Townships of the County of Kent.

By the Honorable Mr. LaFontaine,--The Petition of the Montreal Protestant Orphan Asylum; the Petition of the Ladies Directresses of the Montreal Protestant Orphan Asylum; and the Petition of the Chiefs and Warriors of the Village of Abenakis, of St. François du Lac St. Pierre.

By the Honorable Mr. Sherwood,--The Petition of Richard Watson, of the City of Toronto, Builder; and the Petition of J. E. Pell and others, Mechanics of the City of Toronto.

By Mr. Laurin,--The Petition of Charles Boyle, of the place called the "Nuns' Land," of the Parish of St. Giles, in the District of Quebec.

By the Honorable Mr. Badgley,--The Petition of G. J. Frelich and others, of the Township of Stanbridge, in the County of Missisquoi; the Petition of J. Chamberlin, Esquire, and others, of the County of Missisquoi; and the Petition of E. De Bellefeuille and others, of the City of Montreal, Students at Law.



By Mr. Scott, of Bytown,--The Petition of John Ring and others, of the Township of Neapean.

By Mr. Notman,--The Petition of A. W. Laird and others, of the City of Montreal; the Petition of Thomas Paddock and others, of the Township of Puslinch, District of Gore; the Petition of Alexander B. Orr and others, of North Easthope and other Townships of the District of Huron, Brock, and Wellington; the Petition of John Meyers and others, of the German Block in the Township of Woolwich; the Petition of Daniel Langley and others, of North Easthope and other Townships of the District of Huron and Wellington; and the Petition of Ralph C. Nicholson and others, of the Township of Dumfries.

By Mr. Fournier,--The Petition of the Reverend J. L. Beaubien and others, of the Parish of St. Thomas, in the County of L'Islet.

By Mr. Wetenhall,--The Petition of John Hawkins and others, of the Township of Woolwich, District of Wellington; the Petition of George J. Grange, Chairman, and C. H. Webster, Secretary, on behalf of a Public Meeting of the Inhabitants of the District of Wellington; the Petition of Alfred A. Baker and others, of the Townships of Guelph and Eramosa, District of Wellington; the Petition of Thomas Saunders and others, of the Township of Puslinch, District of Wellington; the Petition of James Burr and others, of the Township of Nichol, District of Wellington; the Petition of James M'Kaig and others, of the Township of Puslinch, District of Wellington; the Petition of Henry Cardwell and others, of Holland and other Townships, District of Wellington; the Petition of John D. M'Kenzie and others, of the Township of Beverly, District of Gore; the Petition of the Magistrates of the District of Wellington, in Quarter Sessions assembled; and the Petition of the Magistrates of the Wellington District (Licenses on Beer.)

By the Honorable Mr. Boulton,--The Petition of John Charlton and others, of the City of Toronto, and other places in the Home District.

By Mr. Watts,--The Petition of William Montgomerie, Esquire, and others, of Grantham and the adjoining Townships, in County of Drummond.

By Mr. Holmes,--The Petition of the Honorable Joseph Bourret, Mayor, on behalf of a Meeting of the Inhabitants of the City of Montreal; and the Petition of the Reverend John Bethune and others, of Montreal.

(38)

By Mr. Bell,--The Petition of Alexander M'Donell, Esquire, and others, of the south side of the River Ottawa, between the Town of Bytown and the Village of Pembroke.

By the Honorable Mr. Laterrière,--The Petition of George Chaperon, of Baie St. Paul, County of Saguenay; the Petition of George Chaperon and others, of Baie St. Paul and St. Urbain, County of Saguenay; and the Petition of the Reverend J. B. Gagnon and others, of Malbaie and other Parishes, in the County of Saguenay.

By Mr. Christie,--The Petition of the Quebec Library Association.

By the Honorable Mr. Hincks,--The Petition of Benjamin Horner and others, of the Township of Blenheim, District of Brock.

By Mr. Morrison,--The Petition of William Leonard, of the Township of Scarborough; and the Petition of David Wood and others, of the Township of Walpole.

By Mr. M'Connell,--The Petition of Erastus Ives and others, of the District of St. Francis.

By Mr. Lemieux,--The Petition of the Reverend W. King and others, of the Township of Broughton, County of Megantic; and the Petition of E.

Duchesnay, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce.

By Mr. Gugy,--The Petition of Joseph Donegani, of the City of Montreal.

By the Honorable Mr. Macdonald,--The Petition of John H. Aussem, Esquire, and others, of the Province of Canada.

By Mr. Solicitor General Drummond,--The Petition of William Duncan, of the Parish of St. Ignace du Côteau du Lac, County of Vaudreuil; the Petition of S. S. Foster and others, the President and Directors of the Shefford Academy; the Petition of Benjamin Ouimet and others, of the Township of Upton; and the Petition of Mrs. M. Lum, Directress, and Mrs. A. Durnford, Secretary, on behalf of the University Lying-in Hospital, Montreal.

By the Honorable Mr. Price,--The Petition of the Justices of the Peace of the Home District, in Quarter Sessions assembled.

By Mr. DeWitt,--The Petition of John Molson, Esquire, and others, the Company of Proprietors of the Montreal and Province Line Junction Railway.

Petitions  
read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of the Reverend P. J. Crevier and others, of the Parish of St. Augustin; praying indemnification for losses sustained by them during the Troubles of 1837 and 1838.

Of H. M. LeMaire and others, of the Parish of St. Benoit, County of Two Mountains; praying indemnification for losses sustained by them during the Troubles of 1837.

Of the Reverend H. Moreau and others, of the Parish of St. Eustache, County of Two Mountains; praying indemnification for losses sustained by during the Troubles of 1837-8.

Of the Reverend F. Bonin and others, of the Parish of Ste. Scholastique; praying indemnification for losses sustained by them during the Troubles of 1837-8.

Of Alexander Parker and others, of Caledonia and other Townships in the District of Ottawa; praying that the Board of Works be directed to complete the Road between the Des Outicas Bridge and the Bridge over the Petite Nation River at Hatfield,--and that the whole amount voted for the improvement of the route between L'Orignal and Bytown be expended there on without reference to individual interest.

Of the Corporation of the College of Ste. Anne Lapocatière; praying a grant of money in aid of the said College.

Of James F. Fair and others, of the united Townships of Dalhousie and Levant; praying a reduction of the qualification of Municipal Councillors, and for a more equitable system of assessment.

Of N. L. Freeman and others, of the Western District; praying aid to open a Road from the Town of Chatham to the Town of Wallaceburgh.

Of the Municipal Council of the District of Niagara; praying that all houses kept for the sale of ale and beer be compelled to take out a license for the same.

Of John Clark, Esquire, President, on behalf of the Niagara District Agricultural Society; praying certain amendments to the Act 3 Vic. cap. 54, for the encouragement of Agricultural Societies.

Of the Municipal Council of the District of Niagara; praying that measures be adopted for carrying out the original design of the subscribers for the re-erection of Major General Sir Issac Brock's Monument in the said District.

Of John Tucker Williams, Esquire, of the Township of Hope, District of



Newcastle; praying that the East half of lot number nine in the first Concession of the said Township be not included in the proposed new Act of Incorporation of the Town of Port Hope.

Of the Municipal Council of the District of Niagara; praying certain amendments to the existing Assessment Law.

Of Pierre D. Hébert and others, of St. Cyprien, District of Montreal; praying indemnification for losses sustained by them during the Troubles of 1837 and 1838.

Of François Fougroult and others, of the Counties of Chambly, Rouville, and Huntingdon, praying the abrogation of the tenures en fief and en censive.

Of the Reverend M. Dugucy and others, of Arthabaska, Chester, and Warwick; praying for the improvement of certain Roads therein mentioned.

Of the Municipal Council of the District of Wellington; praying an Act to authorize the Municipal Councils to obtain materials for the repair of Roads from enclosed lands, upon payment to the owners of the value of such materials, to be ascertained by valuation.

Of the Municipal Council of the District of Wellington; praying that Municipal Councils be authorized to dispose of useless Road allowances.

Of Andrew Geddes and others, of the Districts of Wellington and Gore; praying to be incorporated as the Elora and Saugeen Road Company.

Of John S. M'Collom and others, of the Township of Nelson, District of Gore; praying that a certain side line adjoining the farm of the said John S. M'Collom be vested in him in fee in lieu of the Road passing through his property.

Of Edouard Normand, of the Parish of Ste. Marie Magdeleine du Cap de la Magdeleine, carpenter; praying indemnity for alleged loss and damage to his property by the construction of the Bridge over the River St. Maurice.

Of the Reverend William Dunn and others, of the Township of Frampton; praying aid to improve the Road leading to the City of Quebec.

Of the James M'Kenzie and others, Merchants, Shipriggers, and others interested in the trade of Ship-building at Quebec; praying that a Law be passed to secure a lien on Ships to parties contributing to the building, repairing, or fitting up thereof, by loan of money or be advance of materials or labor.

Of the Lower Canada Agricultural Society; praying for the establishment of an Agricultural School and Model Farm in each District of Eastern Canada.

Of G. L. Marler, Esquire, and others, of the County of Drummond; praying that certain Townships in the said County be set apart as a distinct Munic-

(39)

ipality.

By W. C. Baynes, Esquire, of the Township of Kingsey; representing that his father, the late General Baynes, purchased a quantity of land in the year 1811, in which there was found on survey to be a deficiency of 200 acres; and praying that he may be allowed an equivalent for the said deficiency.

Of W. Montgomery, of the Township of Durham; representing that he has he has been obliged to pay certain costs and damages at law for acts performed by him while in the conscientious discharge of his duties as Justice of the Peace, and praying indemnification.

Of Thomas Bowerman and others, of the Townships of Sophiasburgh and

Hallowell, District of Prince Edward; praying that a certain part of the Gore be united to the Township of Hallowell, and that a certain part of that Township be united to the Township of Sophiasburgh.

Of the Canada Baptist Union; praying that all Sectarianism be removed from the Constitution and Administration of King's College.

Of the Canada Baptist Union; praying that the Funds arising from the sale of the Clergy Reserve Lands be applied to the purposes of popular Education, without reference to sect or creed.

Of the Warden of the District of London; praying for the passing of an Act to render valid certain By-laws passed by the Municipal Council of the said District for the recovery of Rates.

Of J. Scott, Esquire, M. P. P. and others, of the District of Ottawa; praying that a like grant be made for the purposes of an Hospital in Bytown for the benefit of the valley of the Ottawa as is at present made to Kingston and Toronto.

Of the Sisters of Charity of the General Hospital of Bytown; praying for aid in support of the said Institution.

Of the Corporation of the City of Kingston, and of divers inhabitants of the said City; praying to be incorporated as "The City of Kingston Water Works Company."

Of B. H. Charlebois, Esquire, and others, Physicians and Surgeons of Lower Canada; praying certain amendments to the Act incorporating the the Medical Profession of Lower Canada.

Of Robert Cassels and others of the District of Quebec, and others; praying a grant of money to improve certain Roads under the direction of the Quebec Turnpike Trustees.

Of Joseph Bedard, Esquire and others, of the Parish of Charlesbourg and other places; praying that the Road from Dorchester Bridge to the Church of Charlesbourg be placed under the control of the Quebec Turnpike Trustees.

Of the Reverend François Boucher and others, of the Parish of St. Ambroise and other places; praying aid to macadamize the l'Ormière Road.

Of the Reverend E. Payment and others, of the Parish of Charlesbourg and other places; praying that the Road leading from the Church of Charlesbourg to Dorchester Bridge, be placed under the control of the Quebec Turnpike Trustees, and that aid be granted for macadamizing the same.

Of the Municipal Council and divers inhabitants of St. Ambroise de la Jeune Lorette; praying that the Act 10 and 11 Vic. cap. 7, establishing Municipal Authorities be repealed, and that the Act 8 Vic. cap. 40, be revived.

Of the Honorable Louis Panet and others, Electors and Freeholders of the County of Quebec; praying for the opening of a Road to Lake St. Jean.

Of John M'Cormick, supernumerary Tidewater, of Quebec; praying compensation for a certain time during which he was rendered incapable to perform his duties, in consequence of typhus fever contracted by him while on duty.

Of the Reverend E. Payment and others, of the Parish of Charlesbourg, County of Quebec; praying that Dorchester Bridge be placed under the control of the Trustees of the Quebec Turnpike Roads.

Of Thomas W. Lloyd, President, and others, Officers and Members of the St. George's Society of Quebec; praying an Act to incorporate them under the title of "The St. George's Society of Quebec, founded A. D. 1835."



Of the Grand River Navigation Company; praying for an increase of their Capital Stock.

Of the Grand River Navigation Company; praying that a certain Act authorising the Government to loan them a certain sum of money be revived and extended.

Of the Niagara Falls Suspension Bridge Company; praying that the Capital Stock of the said Company be reduced to twenty-five thousand pounds.

Of John Vandal Ham, of the Township of Murray, District of Newcastle; praying that the jurisdiction of the Division Courts of Upper Canada be increased.

Of the Right Reverend the Bishop of Bytown; praying an Act of Incorporation for the College of Bytown.

Of the Right Reverend the Bishop of Bytown; praying an Act of Incorporation for "La Communauté des Révérendes Soeurs de la Charité."

Of the Right Reverend the Bishop of Bytown; praying aid in support of the College of Bytown.

Of Louis Comte, of the City of Montreal, Master Mason and Contractor; praying the passing of an Act to enable him to recover the payment of a sum of money due him for the erection of a Church and other buildings in the Parish of St. Edouard.

Of James P. Wells and others, Trustees of the Grammar School for the present Grammar School House, and to provide another more convenient and eligible in the Town of L'Orignal,--and for the aid in support of the same.

Of the Corporation of the College of L'Assomption; praying an increased aid for the said College.

Of C.C. Grece and others, of the Township of Grenville and parts adjacent in Lower Canada; praying for the repeal of the Common School Law.

Of E.X. Pratt, Esquire, and others, of Stanfold and other Townships in the District of Three Rivers; praying for the opening and improving of certain Roads, and for the erection of a Bridge, in the said Townships.

Of Clovis Bourgeois, of the Parish of St. Grégoire, in the County of Nicolet; complaining of a certain exaction on the part of the High Constable of Three Rivers, and praying for protection.

Of the Reverend Antoine Racine and others, of Stanfold and other places in the District of Three Rivers; praying that each of the Eastern Townships may be erected into a district Municipality.

Of John M'Intosh, of the Township of London; praying payment for certain wearing materials furnished to the men under Colonel the Honorable James Kerby, during the late Rebellion in Upper Canada.

Of Hugh Macfee and others, of the Townships of Dummer and Douro, District of Colborne; praying that measures be adopted to obtain the repeal of the Imperial Act relating to the Clergy Reserves,--and for the abolition of the Rectories in Upper Canada, and the application of the funds arising therefrom to purposes of general utility.

Of L. Archambeault, Esquire, and others, of Ste. Marguerite de Blairfindie; praying indemnification for losses sustained by them during the Troubles of 1837 and 1838.

(40)

Of the President and Corporation of the College of Chambly; praying aid in support of the said College.

Of Mrs. Mary H. Mountain and others, the Ladies Managers of the Male

Orphan Asylum of Quebec; praying aid in support of the said Asylum.

Of T. Panneton and others, of the Parish of Three Rivers; praying for the adoption of a more equitable system of exacting tithes in Lower Canada.

Of the Municipal Council of the District of Newcastle; praying for certain amendments to be Common School Act.

Of Joseph Morrin, Esquire, and others, Physicians and Surgeons, members and professors of the School of Medicine of Quebec; praying a grant of money in aid of the said School.

Of Olivier Blais, of the City of Quebec, seaman; praying indemnification for loss sustained by him, to the amount of forty-one pounds eight shillings and ninepence currency, in conveying certain Emigrants from Quebec to Miramichi, (New Brunswick), at the request of the Chief Emigrant Agent.

Of William Price, Esquire, and others, of the City of Quebec and its vicinity; praying that the Duties on salted and fresh provisions, grain and flour, be repealed.

Of John Beckton and others, of Canada West; praying that the jurisdiction of the Division Courts in Upper Canada be extended.

Of the Reverend Alexander Macdonell and others, of the Parish of St. Luke, including the Townships of North and South Plantagenet, Alfred, and part of Caledonia; praying that the waste lands of the Crown and the Clergy Reserve Lands in the said Parish be reduced in price, or granted free of charge to actual settlers.

Of Robert Conroy and others, of Bytown and its vicinity; praying the College of Bytown may receive a like support by Legislative aid as the other Colleges of Upper Canada.

Of Henry P. Croft and others, of the Parish of St. Louis de Kamouraska; praying certain amendments of the Law for the protection and preservation of certain game and wild fowl.

Of E. C. Thomas, President, and Thomas M. Simons, secretary of the "Hamilton and Gore Mechanics' Institute;" praying an Act of Incorporation for the said Institution.

On motion of Mr. Jobin, seconded by Mr. Bouthillier,

Stormont  
Election.

Ordered, That the Select Committee appointed to try the merits of the Petition complaining of an

undue Election and Return for the County of Stormont, have leave to adjourn until Tuesday, the twentieth day of February next, at noon.

Petition of the  
Lachine Railroad  
Company;

Of T. W. Lloyd  
and others;  
Of the Corpo-  
ration of  
Kingston;  
Of A. M. Delisle  
and others;

Ordered, That the Petition of the Montreal and Lachine Railroad Company; the Petition of Thomas W. Lloyd, President, and others, Officers and Members of the St. George's Society of Quebec; the Petition of the Corporation of the City of Kingston, and divers inhabitants of the said City; and the Petition of Alexandre M. Delisle and B. H. LeMoine, of the City of Montreal, Esquires, and of Jean Bte. Debien, junior, of the Parish of Ste. Rose, in the District of Montreal, be referred to the Standing Committee on Standing

Orders.

Of A. Parker  
and others;

Ordered, That the Petition of Alexander Parker and others, of Caledonia and other Townships, in the



District of Ottawa, be referred to the Standing Committee on Road and Bridge Bills.

Of J. Smo-  
linski;

Ordered, That the Petition of Joseph Smolinski, of Montreal, be referred to the Standing Committee on Contingencies.

Of A. Douglas  
and others;

Ordered, That the Petition of Alexander Douglas and others, of the District of Niagara, be referred to the Standing Committee on Railroad and Tele-

graph Line Bills.

Of J. M'Kenzie  
and others re-  
ferred.

Resolved, That the Petition of James M'Kenzie and others, Merchants, Ship-riggers, and others interested in the trade of Ship-building at Quebec, be referred to a Select Committee, composed of Mr. Méthot, Mr. Lamoureux, Mr. Cauchon, Mr. Egan, and Mr. Laurin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Geological  
Report.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--Geological Report of the North Shore of Lake Huron, by W. E. Logan, Esquire, Provincial Geologist.

Appendix (G.)

For the said Report, see Appendix (G.)

Ordered, That five hundred copies of the said Report be printed for the use of the Members of this House.

Report on  
Petition of  
J. Ouimette,  
and others.

Mr. Scott, of Two Mountains, from the Select Committee to which was referred the Petition of Joseph Ouimette and others, of St. Eustache and other Parishes, in the County of Two Mountains, presented to the House the Report of the said Committee, which was again

read, as followeth:--

Your Committee having duly considered the merits of the Petition referred to them, unanimously agree to submit the same to the favorable consideration of your Honorable House.

Bytown and  
L'Orignal Road.

Ordered, That the Entries in the Journals of this House of the 17th and 25th June, and 4th July, 1847, and 9th March, 1848, relative to the

Bytown and L'Orignal Road, be referred to the Standing Committee on Road and Bridge Bills.

On motion of Mr. Macdonald, of Glengarry, seconded by Mr. Holmes,

Prescott  
Election.

Ordered, That the Petition of William K. M'Kenzie, of L'Orignal, in the County of Prescott, Esquire, complaining of the undue Election and Return of Thomas Hall Johnson, Esquire, as a Member to represent the County of Prescott in this present Parliament, be taken into consideration by this House, on Monday, the twenty-sixth day of February next, at the hour of four o'clock P. M.; and that notice to that effect, in writing, be forthwith given by

Mr. Speaker to the Petitioner, his counsel or agent, according to the provisions of the second clause of an Act passed, by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty George the fourth, chapter four.

Petition of W.  
Price and others.

Ordered, That the Petition of William Price, Esquire, and others, of the City of Quebec and its vicinity, be printed for the use of the Members of this

House.

On motion of Mr. Davignon, seconded by Mr. Bouthillier,

Longueuil and  
Chambly Turn-  
pike Road.

Resolved, That this House will, to-morrow, resolve itself into a Committee, to consider the expediency of amending the Ordinance 4 Vic. c. 16, in so far as it relates to the manner of levying

(41)

Tolls on the Longueuil and Chambly Turnpike Road.

Mr. George  
Brown.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 25th January, 1849, praying that he might be pleased to direct the proper Officer to lay before them, a Copy of the Presentment of the Grand Jury of the Midland District at the last Court of Oyer and Terminer for that District, relative to the refusal of George Brown, Esquire one of the Commissioners for investigating the affairs of the Provincial Penitentiary, to give evidence before the said Jury on a charge of Perjury preferred against one James M'Carthy.

By Command,

J. LESLIE, Secretary.

Secretary's Office, 29th January 1849.

Office of Attorney General for Upper Canada,  
Montreal, 26th January, 1849.

The Queen vs. M'Carthy.

Sir,--I have the honor to transmit a Copy of the Presentment of the Grand Jury of the Midland District in this case, which has been called for by an Address of the House of Assembly of the 25th instant, as returned to me by Mr. Richards, the gentleman who had charge of the Crown business of that District at the last Assizes.

I have the honor, &c.,

(Signed,) ROBERT BALDWIN.

The Honorable James Leslie,  
Provincial Secretary, &c. &c. &c.

(Copy.)

Midland District, to wit:

Grand Jury Room, September 26th, 1848.

James Hopkirk, Esquire, appeared before the Grand Jury and made a complaint against James M'Carthy for wilful and corrupt perjury in a statement made before the Commissioners of the Penitentiary.

George Brown, Esquire, one of the Witnesses and a Commissioner, states that he is of opinion that it would be highly injurious to the Public



Service to proceed to take evidence on this complaint at the present stage of the business, as a Report of the Commissioners has not yet been furnished to the Government, and declines giving evidence on this complaint unless ordered by the Court, as the proceedings of the Commissioners are not yet closed.

(Signed,) THOMAS ASKEW,  
Foreman.

Gaspé Fishing  
and Coal Mining  
Company.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, dated the 23rd instant, and praying that His Excellency would be pleased to cause to be laid before them, copies of the documentary evidence, exhibits, and papers, in virtue whereof the Order of His Excellency in Council, bearing date at Montreal, the twenty-first day of November last, relating to "The Gaspé Fishing and Coal Mining Company" took place, giving effect to the Act passed in the seventh year of Her Majesty's Reign, intituled, "An Act to incorporate Charles Cunningham, Richard Norman, Samuel Amory, and others, forming a Joint Stock Company for carrying on the Fishery in the Gaspé District and Gulf of St. Lawrence, and Coal Mining, in the said District," and the Acts supplementary to it.

Appendix (H.)

For the said Return, see Appendix (H.)

Usury Laws.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 25th January, 1849, for all Communications which have passed between Her Majesty's Secretary of State for the Colonies and His Excellency, upon the subject of the Colonies and His Excellency, upon the subject of the repeal or modification of the Usury laws, and all other documents which may be in the possession of the Government relating thereto.

Appendix (I.)

For the said Return, see Appendix (I.)

Ordered, That five hundred copies of the said Return, with the accompanying Documents, be printed for the use of the Members of this House.

Constituencies.

Also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 25th instant, praying for a Tabular Return stating the names of the various Constituencies in Upper and Lower Canada, respectively, the number of Representatives, and the number of Inhabitants in each Constituency, beginning with the largest and ending with the smallest, in each section of the Province respectively.

Appendix (J.)

For the Return, see Appendix (J.)

Toronto Harbour  
Dues and Queen's  
Wharf.

Also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 25th instant, praying that His Excellency would be pleased to cause to be laid before them, a Return of the amount collected for Harbour Dues at the Port of Toronto, for the year 1848; and also, still due to the Government on account of sums advanced upon the authority of certain Acts of Parliament of Upper Canada,

for constructing and repairing the Queen's Wharf at the entrance of the said Harbour.

Appendix (K.)

For the said Return, see Appendix (K.)

Rebellion  
Claims (U. C.)

And also, Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 24th January, 1849, for a Return of the sums collected under the provisions of the Act, intituled, "An Act to provide for the payment of claims arising out of the Rebellion and Invasion in Upper Canada, and to appropriate the Duties on Tavern Licenses to local purposes."

A Return of the sums collected under the provisions of the Act, intituled, "An Act to provide for the payment of claims arising out of Rebellion and Invasion in Upper Canada, and to appropriate the Duties on Tavern Licenses to local purposes."

Amount from 5th April, 1845, to 31st	
January, 1846 .....	£7,052 7 1½
Do. from 1st February, 1846, to 31st	
January, 1847 .....	11,601 4 8
Do. from 1st February, 1847, to 31st	
January 1848 .....	9,331 12 8
Do. from 1st February 1848, to 24th	
January, 1849 .....	10,673 4 9
	<hr/>
	£38,658 9 2½

JOS. CARY,

Deputy Inspector General.

Inspector General's Office,  
Montreal, 24th January, 1849.

Ordered, That the said Return be printed for the use of the Members of this House.

Assessment  
Returns (U.C.)

The Honorable Mr. Hincks presented, pursuant to the directions of an Act of the Provincial Parliament of Upper Canada,--Assessment Returns for Upper Canada for 1847 and 1848.

Appendix (L.)

For the said Assessment Returns, see Appendix (L.)

MR. MACFARLAND<sup>1</sup> moved to refer the entries on the Journals respecting the removal of the District Town of Niagara, to a Select Committee.<sup>2</sup>

MR. DICKSON objected to the motion and wished to know whether the government approved of this mode of procedure?<sup>3</sup>

The INSP. GEN. in the absence of the Attorney General West, replied that the government had not taken the subject into consideration, he could however see no objection to refer the matter to a Committee, when the Committee reported, it would be time enough to discuss it.<sup>4</sup>

MR. DICKSON then objected to the appointment of the Committee excepting by the House. This was matter of great public importance, and if the District town was moved, others might be treated in the same manner.<sup>5</sup>

MR. CAUCHON ((said a few words.))<sup>6</sup>



MR. AT. GEN. BALDWIN (who had just returned to his place) said that the government had not taken the matter into their consideration and he did not think this was a question they were bound to consider with a view to form an opinion on it as a government. In a former session he had voted with the hon. member for Niagara on the subject and he might probably do so again, when the question came up for discussion, as an individual member.<sup>7</sup>

((There was)) some further debate.<sup>8</sup>

(42)

Niagara District  
Town.

Mr. M'Farland moved, seconded by the Mr. Thompson, and the Question being put, That the Entries in the Journals of this House of the 16th April, 1846, and 21st of March, 1848, which relate to the removal of the District Town of the District of Niagara, and containing the proceedings on the Petition of the Municipal Council of the said District, be referred to the Select Committee to which was referred to the Select Committee to which was referred the Petition of Robert Hobson and others, District Councillors and Magistrates for the District of Niagara, and other references.

The House divided:

Yeas, 31.

Nays, 27.

So it was resolved in the Affirmative.

MR. CHRISTIE<sup>9</sup> moved for all correspondence relative to the translation of Mr. Justice Bedard.<sup>10</sup>

MR. AT. GEN. LAFONTAINE had great pleasure in informing the House, that all the correspondence should be laid before it--(hear, hear.)<sup>11</sup>

(42)

On motion of Mr. Christie, seconded by Mr. Guy,

Mr. Justice  
Bedard and  
Mr. Justice  
Aylwin.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency will be graciously pleased to cause to be laid before this House, copies of any correspondence that may have taken place between the Executive Government and the Honorable Mr. Justice Bedard, anterior and relative to his translation from the Bench of Judges at Quebec to that of Montreal, together with copies of his Commissions, as well to the former as to the latter; also, copies of any letters of correspondence between the Executive and the Honorable Mr. Justice Aylwin, relative to his appointment to the Bench of Quebec as successor of Mr. Justice Bedard; and copies of any correspondence (not of a confidential nature) between His Excellency and Her Majesty's Government in England, relative to both or either of those appointments, and that may relate to the precedence claimed by Mr. Justice Bedard, in the Court of Queen's Bench at Montreal, over the Honorable Messieurs Justices Day and Smith.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Limited Part-  
nerships Bill.  
(U. C.)

Ordered, That Mr. Morrison have leave to bring in  
a Bill to authorize Limited Partnerships in  
Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the nineteenth of February next.

Assessment  
Bill. (U. C.)

Ordered, That the Honorable Mr. Hincks have leave  
to bring in a Bill to establish a more equal and  
just system of Assessment in the several Town-  
ships, Villages, Towns and Cities in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the thirteenth of February next.

Message from  
the Council.

A Message from the Legislative Council by Charles  
de Léry, Esquire, one of the Masters in Chancery:--

Partition of  
Lands &c., Bill.

Mr. Speaker,

The Legislative Council have passed the Bill,  
intituled, "An Act to amend and extend certain  
provisions of an Act to facilitate the partition of Lands, Tenements,  
and Hereditaments in certain cases in Lower Canada," without any Amend-  
ment.

And then he withdrew.

Frivolous Op-  
positions Bill.  
(L.C.)

Ordered, That Mr. Chauveau have leave to bring in  
a Bill for preventing frivolous and vexatious  
Oppositions to the seizure of moveables or of  
immoveables, and for the better ensuring the  
executive of Judgements of the Courts of Law in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Bill to facilitate  
Actions against  
unincorporated  
Bodies.

Ordered, That Mr. Chauveau have leave to bring in  
a Bill to facilitate Actions against persons  
associated for Commercial purposes, and against  
unincorporated Societies and Companies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Canada  
Gazette.

Resolved, That a Select Committee composed of Mr.  
Duchesnay, the Honorable Mr. Laterrière, Mr.  
Bouthillier, Mr. Guillet, and Mr. Davignon, be  
appointed to enquire into the system adopted in the distribution of the  
Canada Gazette, to report thereon with all convenient speed; with power  
to send for persons, papers, and records.

Registry Law  
(U. C.) Bill.

Ordered, That Mr. Smith, of Frontenac, have leave  
to bring in a Bill to amend the Registry Laws  
of Upper Canada.

He accordingly presented the said Bill to the House, and the same was



received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of the Honorable Mr. Attorney General LaFontaine, seconded by the Honorable Mr. Hincks,

Indemnity to  
Members.

Resolved, That this House will, on Tuesday, the sixth day of February next, resolve itself into a Committee to take into consideration the expediency of establishing, by Law, the Indemnity to be granted to the Members of this House, and of providing for the payment thereof.

On motion of the Honorable Mr. Attorney General LaFontaine, seconded by Mr. Solicitor General Drummond,

Rebellion  
Losses. (L.C.)

Resolved, That this House will, on Friday, the ninth day of February next, resolve itself into a Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada during the political Troubles of 1837 and 1838, and of providing for the payment thereof.

School Law  
(L.C.) Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to amend the School Law of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the thirteenth day of February next.

Court of Appeal  
and Criminal  
Jurisdiction  
Bill (L.C.)

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to establish a Court having jurisdiction in Appeals and Criminal matters for Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the thirteenth day of February next.

Courts of Civil  
Jurisdiction  
Bill. (L.C.)

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time,

(43)

on Tuesday, the thirteenth day of February next.

Gaspé Judicial  
Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to amend the Law relative to the Administration of Justice

in Gaspé.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the thirteenth day of February next.

Bill requiring  
Mortgages to be  
filed.

Ordered, That Mr. Morrison have leave to bring in  
a Bill requiring Mortgages of personal property  
in Upper Canada to be filed.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the twenty-first day of February next.

On motion of the Honorable Mr. Boulton, seconded by Mr. Richards,  
Bank Tax.

Resolved, That an humble Address be presented to  
His Excellency the Governor General, praying  
him that he will be pleased to direct the proper Officer to lay before  
this House, a tabular, monthly, or such other periodical Return of the  
issue of Bank Notes by the several Banks in this Province, as may be  
conveniently had during the several years since the imposition of the  
Bank Tax, to the thirty-first December last, with the amount of the Tax  
levied on each such periodical Return of each Bank respectively.

Ordered, That the said Address be presented to His Excellency the Governor  
General, by such Members of this House as are of the Honorable the  
Executive Council of this Province.

Winter Roads.  
(L.C.) Bill.

Ordered, That Mr. Laurin have leave to bring in a  
Bill to repeal the Laws relating to Winter  
Roads in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Macdonald, of Glengarry, seconded by Mr. Holmes,

Clerical  
Visitors of  
Sick Emigrants.

Resolved, That an humble Address be presented to His  
Excellency the Governor General, praying him to  
be pleased to cause to be laid before this House,  
1st. A Return of all sums of money paid during  
1848, for the service of 1847, to Clerical Visitors  
of sick Emigrants at Grosse Isle, Quebec, Montreal,  
and elsewhere, with the name and claims of each  
recipient.--2nd. A Return of all special grants  
to Schools and Colleges, (not including the annual  
grant for Upper and Lower Canada of £50,000,)

Schools and  
Colleges.

Clergy  
Reserves.

with the particulars of the expenditure in each case, the names of the Teachers of Professors who are employed, the number of pupils who share in the benefit, and the course of instruction pursued,--also, the Religious body (if any) with which the Institution is connected.--3rd. A Return of all the expenditure of the Clergy Reserves money, giving the particulars of each outlay since the passing of the Imperial Act relating to the said Reserves; also, copies of all the correspondence or documents received by Government relative to the surplus fund now accruing from the Reserves, and the aggregate amount of such surplus fund.

Ordered, That the said Address be presented to His Excellency the Governor  
General, by such Members of this House as are of the Honorable the  
Executive Council of this Province.

Thompson's  
Relief Bill.

Ordered, That the Honorable Mr. Price have leave to  
bring in a Bill for the relief of Joseph Richard  
Thompson.



*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday the fifth day of February next.*

MR. INSP. GEN. HINCKS,<sup>12</sup> seconded by MR. AT GEN. BALDWIN, moved for the order of the day that the House resolve itself into a Committee of the whole to take into consideration the Resolutions of the Inspector General wherefrom to draw up an Address to Her Majesty for the Repeal of the Navigation Laws, so far as the St. Lawrence was concerned.<sup>13</sup>

(43)

Navigation  
Laws.

*The House, according to Order, proceeded to take into further consideration the Question proposed on Friday last, That this House do now resolve itself into a Committee to consider the propriety of adopting an Address to Her Majesty on the subject of the repeal of the Navigation Laws.*

MR. PAPINEAU commented on that part of the Address in answer to the Speech from the Throne, which he read.<sup>14</sup> ((He)) desired to have those words erased which spoke of the navigation of the St. Lawrence being left free to foreign vessels, under such restrictions as His Excellency should see fit to impose. He thought no foreigners would come under so changeable<sup>15</sup> arbitrary and fluctuating<sup>16</sup> a regime as that would be<sup>17</sup>. He remarked, that the last paragraph was more than useless, as the navigation would most likely be regulated by Treaty or Act of Parliament, and ought to be left to the legislation of the Governor, who is without the aid of his Counsel.<sup>18</sup> However, in practice this could be a matter of little consequence. He did not object to the house going into a committee on the subject<sup>19</sup>.

MR. INSP. GEN. HINCKS overruled the objection of the hon. member for St. Maurice, by suggesting that the hon. gentleman could advance any amendment while the House was in Committee, when the Clauses in the Resolutions would be separately considered.<sup>20</sup>

(43)

*And the Question being put;*

Resolved, *That this House do not resolve itself into a Committee to consider the propriety of adopting an Address to Her Majesty on the subject of the repeal of the Navigation Laws.*

MR. THOMPSON ((was)) requested to act as Chairman.<sup>21</sup>

(43)

*The House accordingly resolved itself into the said Committee.*

*Mr. Thompson took the Chair of the Committee;*

MR. INSP. GEN. HINCKS ... said it was gratifying to him to know that it was the feeling of the majority of the hon. members of the house, that they wished the repeal of the Navigation Laws.<sup>22</sup> Some difference of opinion might arise, and had risen, upon the subject of restrictions<sup>23</sup>. Notwithstanding the statements expressed by the hon. mover of the amendment, and those contained in the address of 1847, he could assure the house that<sup>24</sup> in framing his portion of the Address, every care had been taken, and every consideration had been touched upon<sup>25</sup> by the present Government before it

was brought before the house.<sup>26</sup> The clause in question would admit of but one interpretation<sup>27</sup>--a good one--the repeal of the Navigation Laws. Gentlemen opposite might think the object was not a good one, but he could say such was not the sentiment entertained by hon. members on his side of the house<sup>28</sup>. He might be told, that Great Britain would continue the system of protection, but he maintained that all parties would desire the opening of the navigation.<sup>29</sup> There was a party in Great Britain who wished to return to the system of restriction and protection; and were the amendment<sup>30</sup> of the hon. member for Hamilton, moved on Friday night, viz.: That the resolution be referred to a committee for further investigation, and for the examination of evidence; and that a repeal might be made thereon, &c., &c.,<sup>31</sup> to be carried, the effect would be to keep back the repeal of the Navigation Laws.<sup>32</sup> OR. MR. INSP. GEN. HINCKS explained the motives which induced his motion, and stated his reasons why the proposed amendment should be adopted....He then alluded to certain observations made by some hon. members on Friday night, to the effect that a reaction in favor of the repudiated system of protection was taking place, and that that country was likely at no distant period to return, at least in part, to her former protective policy<sup>33</sup>. It was also said that the present ministry in England were wishing to return to this restrictive policy; and it was known that there was a party who were strenuously opposed to the repeal of the Navigation Laws.<sup>34</sup> The party now in power in England was in favor of free Trade principles. The Government there had been wrongfully opposed by the Parliament party who had attempted to repress all parties here as being against the Free Trade movement and the abrogation of the Navigation Laws. They had heard much of the feelings of the English people having changed--that a reaction had taken place against the subject of Free Trade.<sup>35</sup> It had also been said by<sup>36</sup> the Hon. member for Hamilton, who by the way, was not in the House on Friday night,<sup>37</sup> that a son of Sir Robert Peel's had published an address<sup>38</sup> corroborative of the feeling in favor of protection which was gradually increasing in England<sup>39</sup>. He (Mr. Hincks) had been at some trouble to hunt up this address, and he found the sentiments expressed by Sir Robert Peel's son, to be directly opposed to what had been given on the occasion referred to. The hon. gentleman here read an extract from the address, in which it was stated that he would resist every attempt to return to the protective system, unless it was proved, by the largest experience, that the repeal of the corn laws was the cause of the commercial depression which had lately been prevalent in England<sup>40</sup> "a result which, however, he did not expect."<sup>41</sup> (Hear, hear.) What more could a free trader say than what had been thus stated by Mr. Peel.<sup>42</sup> Hon. members opposed to him had laid great stress upon the subject of the Election for the West Riding of York, and the triumph claimed for protectionists in the return of Mr. Denison; but<sup>43</sup> he could remove this impression from the minds of hon. members, by reading them an extract from that gentleman's speech to the electors.<sup>44</sup> What did Mr. Denison say?--that "he would be a madman who would wish to restore protection"<sup>45</sup>, and he was not sorry that the corn laws had been repealed.<sup>46</sup> If such was the tone of the Protectionist candidate<sup>47</sup> who had been returned to the Imperial Parliament for the West Riding of York<sup>48</sup>, and there was not prospect of that party coming into power in England<sup>49</sup> at the present time<sup>50</sup> that House ought to stir itself for the purpose that must be common at all.<sup>51</sup> Were the



amendment to be carried it would be placing a power in the hands of the Protectionist. In the second amendment moved he saw nothing of importance that would make him alter the resolution proposed by the present Ministry, notwithstanding what had fallen from the hon. member for St. Maurice<sup>52</sup> by which it appeared that hon. members seemed to argue this way--"who wished for the repeal of these laws? this would result from an exercise of the prerogative and why should the country give everything to the Americans, while they would give us nothing?"<sup>53</sup> The object of the address was to get a repeal of the Navigation Laws, and the free navigation of the St. Lawrence. No doubt the privilege of allowing vessels to pass through our river was a prerogative of the Crown and this power the Ministry wished to be placed in the hands of the Colonial Government.<sup>54</sup> What easier than such a thing? a simple despatch would achieve the whole object.<sup>55</sup> If this power was granted, it would place them in a better position to arrange with their neighbours of the United States<sup>56</sup> with regard to the coasting trade, that was, by the measures of the Home Government, left intact, as respects the Colonies. It was left to our local management, and<sup>57</sup> were it<sup>58</sup> found desirable to establish a system of reciprocity with the Americans<sup>59</sup> he had learned something from them that would make him endeavor to get something equal in return. If the act introduced by Mr. Gladstone was passed, Canada would then have the power to legislate for herself, respecting her reciprocity with the United States. It had been objected that the resolution went too much into detail, but<sup>60</sup> he maintained that details were befitting and necessary at present; his great object was to strengthen the hands of those in England who desired the repeal.<sup>61</sup> He hoped, therefore the house would not adopt the amendment, as if they did they would strengthen the hands of the opponents of free trade in England.<sup>62</sup> It was possible that certain duties would be maintained there and here for the purpose of revenue. This he would not object to, but he was decidedly adverse to duties levied purposely for the sake of Protection, for was that system adopted, they might well explain, "what need of the repeal of those laws?"<sup>63</sup> If they ever asked for a protective duty of 4s or 5s a quarter on flour, it would be referred to as a fact that we, in Canada, were not in favor of free trade. In his opinion it would be wrong to ask for a fixed duty, in case it might go to keep back the Repeal of the Navigation Laws, on which he hoped they were all agreed.<sup>64</sup>

The Clerk here read the Resolutions<sup>65</sup>.

RESOLVED, As the opinion of this Committee, that an humble Address be presented to Her Most Gracious Majesty, to assure Her Majesty of the devoted loyalty of the people of this Province, and of their sincere attachment to Her Majesty's person and Government--To represent to Her Majesty that this House feels it to be a duty incumbent upon it to take the earliest opportunity to assure Her Majesty that the sentiments of the people of this Province on the subject of the Repeal of the British Navigation Laws which were expressed to Her Majesty in a joint Address from the two Houses of the Provincial Parliament in the month of July, 1847, remain unchanged; that, delay in removing the present restrictions on the employment of Foreign Shipping, would, in the opinion of this House, be highly injurious to the Carrying Trade of the St. Lawrence; that, in order to secure this Trade, the Province, relying on the continuance of the protection which was then enjoyed by Colonial products in the Markets of Great Britain,

incurred a large debt for the construction of a line of Ship Canals, by means of which the cost of inland transport has been very materially reduced; that, owing to the difficulties attending the navigation of the St. Lawrence, the greater length of the voyage, and the higher rates of insurance, freights are likely at all times to range higher at Quebec than at New York, but that the practical effect of the Navigation Laws is not only to prevent the possibility of a fair connection between the two routes, but actually to give direct encouragement to American shipping, not only through the Canals of the State of New York, but at the sea-ports of the United States; that, at the seaports of the United States, shipping can generally be procured to carry any quantity of produce that may be offered, without a very material increase of freight, but that even in case of scarcity, as the navigation is open throughout the year. Foreign shipping can readily be procured in Europe at fair remunerative rates of freight, and without serious inconvenience or loss of time; that at Quebec, on the other hand, the exporter is compelled to rely on the regular traders to the port, so that when an unusual accumulation of produce takes place, vessels can not be procured, and freights immediately rise to most exorbitant (sic) rates; that means exist of engaging British shipping to meet the sudden demands which the nature of the trade causes, as such shipping is seldom to be met with at American ports unless under specific orders, or the engagements of a Charter; that the early closing of navigation on the St. Lawrence renders it difficult, if not impossible, to obtain shipping from England to supply the sudden demands which, from the nature of the trade, are constantly arising, and which could readily be supplied at the American seaports whence vessels would at any time come round to the St. Lawrence if assured of remunerative freights; that the uncertainty which at all times prevails as to the route by which the products of the west will be transported to the sea board, must operate to prevent British vessels coming to the St. Lawrence in sufficient numbers to ensure moderate freights to England, whence a large supply of products ... sent by the St. Lawrence has the effect of diverting those products through the Erie Canal to New York. That the navigation laws have likewise had a most injurious influence on the import trade of the Province; that it has not unfrequently (sic) happened that Canadian importers of sugars being unable to procure British vessels on any terms at Havanna and other foreign ports, have been compelled to import their cargoes in American bottoms to New York, and thence through the American Canals to Canada, when, but for the restrictions imposed by the Navigation Laws, they would have imported them by the St. Lawrence in foreign bottoms which could have been readily procured. That this House has observed with much satisfaction, that a Bill was introduced into the House of Commons during the last Session of the Imperial Parliament for the Repeal of the Navigation Laws, and this House being of opinion that the provisions of that Bill are calculated to remove those restrictions from which the trade of this province is now suffering, most humbly pray that Your Majesty will be graciously pleased to recommend the subject of the repeal of the Navigation Laws to the favorable consideration of the Imperial Parliament. And this House would further humbly play (sic), that your Majesty will be graciously pleased to authorize the Governor of this Province to permit Foreign vessels to navigate the St. Lawrence above Quebec, under such restrictions as His Excellency may in his wisdom see fit to impose.<sup>66</sup>



MR. CAYLEY moved an amendment which would have the effect of declaring the general opinion of Canada, to be in favour of protection on Canadian breadstuffs.<sup>67</sup> He wished that this part of the Address had been framed more in accordance with that of 1847.<sup>68</sup> In the address of 1847 he set out the evils arising from the withdrawal of protection, and intimated if protection were restored, every thing would be as he desired.<sup>69</sup> If part of what took place in July last was quoted, why was not all? The public opinion had changed with regard to the subject-matter of the Hon. Inspector General's argument, as to "strengthening the hands of the Free Traders in England," and upon the system generally. He said mainly that he considered Protection was far preferable to the abrogation of the laws in question.<sup>70</sup> The repeal of the Navigation Laws was only asked in view of non-protection. The remark of Sir Robert Peel's son was quite in point. It was to the effect that there had been hitherto no experience to test the new policy; but that if this policy turned out badly, he would be ready to change it. What more could be expected from the son of Sir R. Peel?<sup>71</sup> Then again, as to Mr. Denison's remark, much as the Hon. mover the Resolutions seemed to rely upon it, under what circumstances were these words put forth?--On the principle "of two evils chose the lesser." Mr. Denison was evidently afraid of mischievous men diverting the protective policy to purposes contrary to those of his supporters and this clearly proved that his opinion and that of his party was unchanged. If the Repeal of the Navigation Laws were granted to them, Protection, according to his impression, was unnecessary, and he maintained that this repeal was wanted.<sup>72</sup> It was said in one part of the resolutions that merchants had been compelled by the Navigation Laws to import West India sugar to New York in American bottoms, and thence to Canada. He was not aware that this had ever been done. But merchants had imported their sugars from New York. He believed that no person on the floor of the house would venture to assert the Canadians would not much prefer their protection to the repeal of the Navigation Laws. Well then would the hon. Inspector General not do what he could to strengthen the hands of the party desirous of restoring this protection.<sup>73</sup> If the sentiments contained in the last clause were to be sanctioned, let the power of legislation on the matter be vested in themselves. He then proposed an amendment, as follows:--In the 6th line of the Resolution, after the word "subject," insert "of protection to Colonial products," and in the 8th line, after the word "that," strike out the six following lines to the word "reduced," inclusive, and substitute the following:--"This Province, relying on the continuance of the protection enjoyed, up to a very recent period, by Colonial products, in the English market, and assisted by a loan, raised on the credit of Great Britain, had constructed a chain of Ship Canals, to connect the Inland Waters, and extend the carrying trade of the St. Lawrence; that the withdrawal of that protection, more especially while the St. Lawrence continues closed to Foreign vessels, must render those Works comparatively useless, and impose a heavy unproductive debt on the limited resources of this Province." In the 16th line, for "but," read "and." He remarked upon the enormous expense incurred by the Province, and argued that, in justice to such undertaking, they were entitled to some protection.<sup>74</sup> He would not vote against the clause relative to the Upper St. Lawrence, unless better reasons were shown.<sup>75</sup>

MR. H. SHERWOOD (Toronto) in supporting the amendment, stated that a certain principle had been, on a former occasion established, he now desired to show that no change had taken place. Protection, he said, was of much greater importance, but still he would not speak against the abrogation of the Navigation Laws. He called to their minds the universal commotion that had commenced upon this matter, the numerous public meetings; the public excitement should be marked. Hon. members had said that if a fair protection had been secured to the province, they would not have agitated this repeal. He maintained, that at that moment, if there existed in England any probability or possibility of retracing their steps, they would at once return to their former protection; that source of wealth, that system which had been the pride, the glory of this century, would be restored. In such a state of things, the intention in making the canals and great provincial improvements would be realized; as things now stood with us, our hopes were blasted; the feeling for protection was strengthened in England by the experience of the past; there the people felt in unison with the feelings of the colonists here, and that community of sentiment would yet better our commercial condition. He called upon them not to overlook the paramount question, in deciding upon one of lesser consequence. He here referred to the resolution, agreeing with its general policy, &c. These were his views, and he hoped they were endorsed by the hon. members of both houses; and that the members for Upper Canada, at any rate, would cherish the feeling of protecting the industry, of developing the resources of their country, and seconding the views of the English majority, which he stoutly maintained supported his present views. If he was asked to choose between actual protection, and the proposed repeal, he would unhesitatingly choose the former.<sup>76</sup>

MR. EGAN,<sup>77</sup> in supporting the repeal, dwelt upon the reductions which must be caused to our export trade, were not the measure carried out; he went into details, showing the comparative statements of that trade, placing that of bread-stuffs in juxtaposition with the great staple, timber. He stated the amount of shipment from the port of Montreal as follows:--In 1894 the protection on Canadian timber amounted to 25s. per load, or about 7½d. per foot; in 1810 it was raised to 54s. 8d. per load, or 3½d. Currency per foot. In 1814 to 1820 65s. for 1s. 6½d. per foot. At this time Colonial timber was admitted free. In 1821 a duty of 10s. was imposed on Colonial timber equal 3d. Currency and a reduction of Foreign timber of 10s. leaving still a protection of 55s. per load, or 1s. 4d. Currency per foot.<sup>78</sup> On the 10th October<sup>79</sup>, the same year it was further reduced to 25s. per load or 7½ Currency per foot. The present duty on foreign timber is 15s. Sterling, and on Colonial 1s. leaving a difference of 14s or 3 2/3d. Sterling per foot protected.<sup>80</sup> The reduction of duty on foreign timber had not had the effect intended, that of giving cheap timber to the consumer in England, but had enabled the<sup>81</sup> foreign merchant to send to the ports of Great Britain a large portion of an inferior description of wood to the prejudice of the colonial producer. Without the operation of the Navigation Laws for the last three years there would have been no exorbitant (sic) freights.<sup>82</sup> The average rate of freight from the Baltic is at least 20s. or 5d. per foot, and from Canada it has averaged about 9d. per foot, and some years as high as 11d. per foot; this is exclusive of the extra insurance from this colony<sup>83</sup>. Was not that a monopoly to the prejudice of this country?<sup>84</sup> And ((it)) must make it evident that in absence of protection the only thing to enable the Canadian shipper to contend with the foreigner, is by getting lower freights.<sup>85</sup> In one year (we under-



stood 1847 or 1848) a number of vessels arrived in New York with 67,000 emigrants which in consequence of the existing fees, were debarred from taking advantage of the St. Lawrence trade.<sup>86</sup> While the Navigation Laws were inoperative, twenty-two ships from Bremen arrived at Quebec with emigrants, and these were enabled to take cargoes. If this were continued the trade between Germany and the United States would doubtless be directed through the St. Lawrence. This trade amounted to 67,000 emigrants annually; and to show the effect that would have been produced, he would remark that ships went away without taking timber, which, had the law enabled them to take timber, would have gladly taken it at 6d. per foot instead of 10d. the price then being paid.<sup>87</sup> It was customary to expatiate largely upon the amount of bread-stuffs exported from the city, this was sought to be shown the great staple of the country.<sup>88</sup> But the truth was that hitherto all legislation had been in favour of flour, although the timber trade was worth all the other exports together. In 1843, the exports, exclusive of timber, were £599,768; in 1844, £909,614; 1845, £963,819; 1846, £1,084,460; 1847, £1,734,369; 1848, £650,000.--Of timber, on the other hand, there were exported<sup>89</sup> at Quebec<sup>90</sup> in 1845, £1,195,484; 1846, £1,045,313; 1847, £943,043.<sup>91</sup> Contrast with this the exports from Montreal:

In 1845 ... £792,436

In 1846 ... £541,100

In 1847.... £697,794<sup>92</sup>

He referred to the number of vessels of all sorts in one year entered inwards in Montreal--163 against above 1200 in Quebec; giving employment to upwards of 30,000 seamen; and he would ask, were it not for the timber, what emigration to this colony would there be to what we now have?<sup>93</sup> Or if they came what would be the price? The honorable member then alluded to what he considered the slighting way in which the timber trade had been spoken of, in one of the memorials of the board of trade.<sup>94</sup> It was a common idea that the large fleet arriving for timber at Quebec were almost entirely inferior ones, unfit for other trades; but he would tell them that upwards of 600 A 1 ships<sup>95</sup> fit for cotton or anything else<sup>96</sup> visited the port annually.<sup>97</sup> What competition, he asked, could be required for the trade of Montreal? The whole number of vessels she employed was but 121<sup>98</sup>. How could Montreal, or the province generally, find the means of paying for their large imports, were it not for the timber trade? Legislation for trade, it seemed to him, had been confined to Upper Canada. The reason of this he could not discover. The number of vessels entered outwards at Montreal was in one year about 120, and even of those the greater number had to take half cargoes of lumber at Quebec. These imports it was that caused the outlet for the large produce to timber, and<sup>99</sup> the export of timber, and that alone had kept exchange<sup>100</sup> at an equitable range, averaging about 10 per cent, and which exports would doubtless greatly increase in the event of augmented means of transport.<sup>101</sup> The trade for two years had been very depressed; but depressed as it was, it had provided a million and a half of exchange. That was done by the ships being consigned to merchants, who then drew upon the merchant of England for the stores. For the last three years the exports of produce had been carried to the greatest possible extent; yet it was not a great thing after all, and good crops two or three years in England would destroy it.<sup>102</sup> What, he would ask, would ((then)) become of our 300,000 barrels of flour, &c. ... they would remain and decay on our hands.<sup>103</sup> The trade of the St. Lawrence, however, was only developing itself; and against other things

in which it might be pushed was the article of ice. That trade<sup>104</sup> alone, from Boston to the South and East Indies,<sup>105</sup> employed more vessels in Boston, than all the trade in Montreal. In 1847, no less than 353 ships were laden with ice at Boston, consisting of 141,322 tons at 10s. making a value of £382,664.<sup>106</sup> Why could we not show similar enterprise in loading 15 or 20 vessels ourselves with the same commodity.<sup>107</sup> There were some enterprising gentlemen he understood, who were going to try what could be done.<sup>108</sup> 72,000 tons (as we understood) of the article were shipped from Boston annually. Why should we not be the means of Boston losing so large a source of trade?<sup>109</sup> The effect of the free navigation of the St. Lawrence would be to reduce freights from 9d. or 10d. to 7½d. The average freight from the Baltic was but 5d., with a protection equal only to about 3d. per foot. In 1845 Sir R. Peel said that the whole importation of timber to great Britain was £1,900,000. There was, however, but about £1,000,000 worth shipped from Canada.--Now where was the balance? in the hands of the British shipowners and merchants. What would be thought if a man had to pay for freight twice as much as the flour he shipped was worth. Yet that was the way with the shipper of timber.<sup>110</sup> He ... concluded with warmly supporting the abrogation of the Laws as now existing.<sup>111</sup>

MR. CAYLEY thought the arguments of the hon. member were directly in favor of a continuation of the Navigation Laws. The hon. member said, that by it the freight was reduced to 7½d., that would be a reduction of 1½d.; while as the protection was 3d., there was this difference of 1½d. a loss in favor of the present law.<sup>112</sup>

MR. EGAN rose to explain. The hon. member must allow that it was unnecessary to protect those branches of trade in which other countries could not compete with us. The only protection that had been enjoyed was on red pine<sup>113</sup> for there was no white pine sent from the Baltic<sup>114</sup> and the quantity exported from this country of that timber was not more than one-third of the whole exports.<sup>115</sup>

MR. CAYLEY did not see that the hon. gentleman had altered the position of the figures he had quoted. He had shown that the repeal of the Navigation Laws would reduce the price of pine 1½d. per foot<sup>116</sup>; he also showed that the protection was 3d.; now even if the freight was reduced, as he said it would be if the Protection was removed, there would be a loss of 1½d. a foot<sup>117</sup>; but if, in consequence of a return to the protective system, a higher duty on timber be imposed, the protection would almost amount to 6d. or 7d. per foot. With regard to the proposed ice trade, he did not exactly see how Montreal was to be benefited by such a trade, as it would be impossible to export the ice in summer, and in winter there was no means of exporting it, in consequence of the stoppage of the navigation. There had been times Norway pine had almost driven Canadian pine out of the market, and would have done so entirely were it not for the protection laid upon our timber; that protection must, however, be removed, if by their resolutions to-night the house should abandon all protection.<sup>118</sup>

MR. HOLMES said, the hon. member who had just sat down, and had endeavored to show that the hon. member for Ottawa was in error, in regard to what he conceived would be the effect of removal of protection on the timber trade, by a reduction of freight. The hon. member had<sup>119</sup> entirely miscomprehended<sup>120</sup> the circumstances<sup>121</sup> and would show him how<sup>122</sup>. They had it



from indubitable evidence, that the average freight from New York, for the four years preceding last year, as shown by the papers laid before the house to-day, was 2s. for a barrels of flour, whilst from Montreal it was 5s.1d.<sup>123</sup> Now<sup>124</sup> eleven barrels of flour were about equal to a load of timber<sup>125</sup> and assuming 2s. per barrel as the highest average freight for flour, that gave 22s. per load in well-found excellent ships, and supposing the freight of the barrel of flour to be only 1s. 3d. it would give only 18s. 9d. for timber, a difference of a hundred per cent exactly.<sup>126</sup> Last year the freight to New York averaged 1s. 3d., and during the course of the summer it fell to 1s., and taking it at the lowest figure, it would amount to 11s.; it would have amounted here to between 30s. and 40s., so that supposing the Navigation Laws had been repealed, they would probably save two-thirds or at least one-half on the price of the freight--it was ((a)) matter of more importance to gain 7d. or 8d. than lose 3d.<sup>127</sup> The hon. member for Huron had also stated that he never heard of any efforts being made to bring produce to Canada from Havana. Now he would inform the hon. member and the house that such attempts have frequently been made, and would have been made at a great advantage to Canada, were it not that the Navigation Laws stood in our way and impeded our progress. It could easily be shown that if the Navigation Laws were abrogated, all the protection we have hitherto enjoyed on our flour, grain and timber would be more than compensated by the reduction of freight. For, as he stated before, freights opened in New York last season at 1s. 3d., at midsummer they were down to 1s., whilst in Montreal they were 3s. 3d., that is two hundred per cent;<sup>128</sup> true, that as the British market advanced in prices in consequence of the contemplated scarcity of grain, the demand for flour there induced considerable activity in the city of New York, and freights ran up to 2s. 2d.<sup>129</sup> but at the same time it rose here to 4s. 6d., 5s. 6d., and even 6s. a barrel<sup>130</sup> and 5s. 6d. was subsequently paid for the transport of a barrel of flour from Montreal to Glasgow, being the same ratio, viz: 150 to 200 per cent more by the Canada route than by the New York route. But coming back to the question put by the hon. member for Huron, who ever heard of an attempt being made to bring Havana produce through the River St. Lawrence? He would inform the hon. gentleman that such attempts had been made. During the last year orders had been sent to his (Mr. Holmes') personal knowledge, from the City of Montreal to Matanzas and Havana, for the shipment of a cargo of molasses and sugar, provided the rate of freights and price could be obtained within certain limits. The answer of the correspondent was, the limits you assign for the sugar are even below what you have stated, but it is totally impossible to find vessels going up the river St. Lawrence, inasmuch as very few British vessels trade to the Havanas or either of the ports of Cuba, which are mainly resorted to by American vessels, who come there to supply the islands with United States produce and "Yankee notions." The consequence was that British vessels must be sent for from Jamaica and run down to Cuba in ballast; the freight therefore of sugar destined for Montreal, would, in addition to the usual freight, be burdened with the cost of the vessel going from the British islands to Cuba in ballast. In addition to this, British vessels go out with cargoes for sale, and would gladly take a cargo to Canada or any other country at very reduced rates, inasmuch as an American vessel would load at Matanzas, and carry a hogshead of molasses

to New York for two dollars and a half--whilst to induce a British vessel to come to Montreal, it would cost from two to three or ten pounds per ton, which made it an exclusion. Now if it were not for the Navigation Laws, we should have no difficulty whatever in inducing American vessels to come to Montreal, and we might send<sup>131</sup> sugar up to Toronto for one half ((that)) which it could be sent from New York.<sup>132</sup> Did the British shipowners benefit by this exclusion? not at all; but the Lower Canada merchants were obliged to pay an American vessel at Havana<sup>133</sup> a freight of £2 10s. to £3 a ton<sup>134</sup> ((and)) from 15s. to 18s. per hogshead to the city of New York, and then come through the American canals, pay them transit, duty, and all the charges of a large internal communication, to supply the city of Montreal with sugar<sup>135</sup> while a hogshead of molasses to New York only cost about 12s. 6d.<sup>136</sup> The British shipowner benefited nothing at all, in consequence of these ruinous and absurd Navigation Laws. (Hear, hear.) The hon. member for Huron had endeavored to throw some sarcasm and ridicule on the idea of exporting ice from Canada, as was suggested by the hon. member for Ottawa, because it could not be done in summer. Now, the ice exported from Boston, was not exported in winter, it was all exported in summer. (Hear, hear.) And the only reason why it was not exported from Canada was, because the people of this country had not the same energy as the Americans.--He (Mr. H.) was convinced that if we endeavored to copy more closely after our neighbors and expend a little more energy we should be fully able to compete with them. (Hear, hear.) The ice trade of Boston was a most prosperous one<sup>137</sup>. The ice from Wenham Lake was shipped from Boston to Great Britain, and even to Calcutta<sup>138</sup> and New Orleans, this was a trade which we ought to engage in, for it was one which Providence had situated us so as to be able to carry on with advantage<sup>139</sup> in that part of the country, near to where the member for Essex came from, where the people had exerted themselves last year, nearly 3,000 tons of ice had been collected on Lake Huron, and sent down to Sandusky, and then sent to Cincinnati, where it was sold at from \$40 to \$50 a ton.<sup>140</sup> He (Mr. H.) had lately been in England, and whilst there he made it his business to ascertain the feelings of the community at large on the subject of protection; true, a large and influential body, known as the British Ship-owners, were adverse to any change in the Navigation Laws or any concession to Canada.<sup>141</sup> OR There were a great many of the British shipowners desirous of a change to the navigation laws,<sup>142</sup> but it was not because they were adverse to these concessions, that he (Mr. H.) believed they were right, on the contrary, if every person would take the trouble of reading the effect of the Navigation Laws on Great Britain, as set forth by Ricardo in his late work on the subject, he must be convinced, if he was at all open to conviction, that these laws, so far from being beneficial to the Empire, are injurious to its commercial interests. The hon. gentleman next contended that the British Shipowners were quite able to compete with their foreign rivals<sup>143</sup> and he was certain could compete with American ones, and he would state to them, that a person who had great experience in the carrying trade from this country, one who was well known to most of them, he referred to Captain Swinburne, and had stated to him, that he would go to any port in the United States, and would sail to an equal or lower rate than the American vessels, and that with sufficient remuneration, what was it that caused them to carry so cheap from the United States.<sup>144</sup>



A voice, competition.<sup>145</sup>

MR. HOLMES ((continued:)) That was what they wanted here, if they had that here, they would get them to take freight 2s. 6d. or 3s. instead of being obliged to give them 5s. 6d. or 6s. And now an association was forming at Quebec which was willing to undertake to carry freight in British vessels at 3s. 3d. British vessels could carry it from New York, for 4s. 3d., and if they allowed a shilling more for vessels coming up the St. Lawrence they would get freight for 2s. 3d. and that would enable them to compete successfully.<sup>146</sup> He contended that although the British Shipowners might be unwilling to concede anything to the Colonies or any other part of the world under the false impression that the restrictions were beneficial to themselves, was it reasonable that the people of Canada, comparatively well-off--not in a state of starvation, should appeal to the British Government to impose a tax of 5s. or 10s. sterling per quarter of wheat, still further to press on the starving population of Great Britain.--(Hear, hear.) As it was truly observed by the hon. member for Ottawa, and that too when the whole of our exports would not give to that starving population sufficient for the consumption of a day, therefore he trusted this amendment would not be carried, but that the House would confine itself, in accordance with the original resolution, to a simple demand for a repeal of these obnoxious Navigation Laws.<sup>147</sup>

MR. H. BOULTON.--The question now before the house was, whether it would benefit their trade to get the Navigation Laws repealed, and not whether protection was advantageous to them or not; and he did not think that any man<sup>148</sup> who had sufficient vision to see the lamp before him could have any doubt in his mind that<sup>149</sup> the repeal of the Navigation Laws would not be of great advantage--those laws must impose upon them very great evils.<sup>150</sup> If the Navigation Laws were repealed, there is not a doubt that large numbers of vessels would proceed to England, loaded with such produce as was suitable to Canada, and bring it to the ports of this country, taking in return whatever freight offered<sup>151</sup>, and ... the rate of freight would be considerably reduced. Now, they were obliged to pay such a freight as almost prevented the shipping of anything<sup>152</sup>; ships were forced to other places for freight, and as a consequence freights were kept up.<sup>153</sup> He could not conceive anything more tantalizing to the farmers<sup>154</sup> more astonishing to the merchants of Quebec than to see<sup>155</sup> foreign vessels, which had come to their ports, as members had stated, going away in ballast, while he was obliged to give 5s. a barrel to British ships for freight, while the foreign ones would have took (sic) it for one-half less. It had been said that they said that they should look to the interests of Great Britain; they were Canadians, and they ought to look to their own interest. He did not care a farthing whether the repeal of the navigation laws benefitted Great Britain or China--, if it benefitted them, that was all he cared for.<sup>156</sup> Did hon. members think that if the people of Great Britain were of opinion that it was for their advantage to repeal the Navigation Laws that they would for a moment consider whether the repeal was agreeable to the people of Canada or not. If such a thing was considered for the advantage of England, the colony would never be consulted on the subject.<sup>157</sup> If it was for the advantage of Great Britain to put a duty on corn, they would do it whether they asked them to do it or not, and whether they got the repeal of the

navigation laws or not; it was childish for them to think that Great Britain would alter its policy, to protect the few barrels of flour it received from them.<sup>158</sup> What was it to them whether they could get 3000 or 4000 barrels of flour a little cheaper from Canada? Such a fact would never make England alter her large commercial policy to please the people of Canada.<sup>159</sup> He, like the hon. member for the city of Montreal, had lately been home, and had made enquiries about things which affected this country, and he found that it never entered the minds of any person whether any measure would benefit them here or not; they only thought whether it would benefit themselves<sup>160</sup> independent as to what was thought on the matter in Canada.<sup>161</sup> It was ridiculous to think, therefore, that the people of Great Britain were going to give up anything that was advantageous to themselves, for the sake of protecting them. He did not want their protection, all he asked for was a free field. He did not fear any competition. They were not such a sluggish<sup>162</sup> miserable<sup>163</sup> and drivelling people as some thought they were, they were as enterprising as any of their neighbours; they could not show one single one State in the union which had done more than they had.<sup>164</sup> Let hon. members look at Michigan, Ohio, or Kentucky<sup>165</sup> or to any other state<sup>166</sup>; were these States to be compared to Canada? None of these places had the same public works to show.<sup>167</sup> New-York, no doubt equalled or surpassed them,<sup>168</sup> but he did not believe any other part of the United States could;<sup>169</sup> it owed much to its population, and it was the natural key for the commerce of the whole United States; they had greater advantages here, and they could show something which resembled the Baltic in the inland lakes<sup>170</sup>. Were our inland waters open he believed a large portion of the western trade would come down their canals, and for the space of 3000 miles they would, to a great extent, be studded with shipping. Suppose he was a merchant, and that he had a cargo of 10,000 or 20,000 barrels of flour<sup>171</sup> at Quebec<sup>172</sup> to ship, and he went to New York or some other port. There he finds a number of ships<sup>173</sup> lying there, among whom he would suppose there was 20 or 30 American vessels, and some vessels from Cuba and other places. Well he went to an American ship and asked how much they would take his flour for? The master might say he intended to sail tomorrow in ballast, but he would take it for 2s. if he gave it quickly; he asked for time to consider, and then went to a British ship and asked what it would take it for?<sup>174</sup> But here he is told that 5s. a barrel will be the charge. He (the hon. member) tells this ship master that he had been to his neighbour<sup>175</sup> American<sup>176</sup> ship master and that he offers to take it for 2s.<sup>177</sup> Oh, but, he would answer, the American vessel could not carry it at all<sup>178</sup>. The Englishman ... tells him that his is an English ship, and that the English ships have got the monopoly of carrying it, and that although the other Captain would take it for nothing, he would not be allowed. Well, (continued the hon. member,) <sup>179</sup> he must get his flour sent home, and he sent it by the British ship, paying 5s. Well, he went home<sup>180</sup> as super-cargo,<sup>181</sup> to sell his cargo<sup>182</sup>. When I get to Liverpool I apply to a merchant<sup>183</sup> the owner of the British vessel<sup>184</sup> perhaps to Mr. Brocklebank, and I ask him whether he will purchase my flour. How much do you wish for it? asks Mr. Brocklebank. I tell him that I wish 25s. per barrel. Oh, he says, I can't give you as much as that; I can purchase it cheaper, brought from another source.<sup>185</sup> There were two cargoes arrived from New York which he could get for 20s. Well he told him that he had been obliged to pay 5s. a barrel to him for bringing it home, while he could have got it carried by an American vessel for 2s., and told him that if he had any patriotism about him that he should



not object to give a little more for British Colonial produce than for Foreign produce. Would not the merchant, he (Mr. B.) would ask, answer, that he always bought his wheat where he could get it cheapest, and that he liked to sell it where it was dearest?--(Hear, hear.) The people in England will not sell you songs a farthing cheaper because you came from Canada than if you came from Kanchatka; it was quite absurd to suppose that they would sell cheaper to them than to another. If a man's sons were merchants, would they give a shilling more to their father than to another person for an article, unless it might be from filial kindness and a desire to help their father? No, no persons will deal with others but on terms advantageous to themselves. He was, therefore, in favor of the repeal of the Navigation Laws, whether the duty was continued in their favor or not.<sup>186</sup>

COL. GUGY was in favor of the repeal of the Navigation Laws, but not for the reasons assigned by the members who had just spoken. In speaking upon the question he must say that he had no pretension to knowledge upon it, and he spoke more to obtain information than to impart it. He must say that the arguments of the members on the opposite side, all of whom appeared, with the exception of the last one who spoke, well acquainted with the subject, had not, he considered, gone against protection, but in favor of it.<sup>187</sup> The hon. Inspector General seemed to wish for Norfolk, he seemed to be in favor of the throwing upon (sic) the St. Lawrence, although he would not do away with protection altogether.<sup>188</sup> There were three propositions which he was desirous of laying before the House: the first was the continuance of protection to this country, without the repeal of the Navigation Laws; the second was the repeal of the Navigation Laws, with a continuance of protection; and the third was the repeal of the Navigation Laws, without a continuance of protection. His friends were in favor of the second proposition; he was also in favor of the repeal of the Navigation Laws, but he would not absolutely repudiate protection. The Hon. Inspector-General repudiated protection, because he thought it would strengthen the hands of the Protection party; but he would retort<sup>189</sup>, did he forget that if the House adopted the resolution, it would have the effect of throwing support into the hands of the Free-Traders--(Hear, hear,)<sup>190</sup> when there was nothing to be gained by it? With respect to such an Empire as Great Britain, which was composed of such large Colonies, it was to be presumed that there was no other question in matters of this kind, than the freedom of trade.<sup>191</sup> It was a question of selling in the dearest market and buying in the cheapest; and this England was able to do, for she had an extensive trade with every part of the habitable globe. It would be well, however, that in the discussion of the question, they would look at it in a political view, as far as Canada was concerned. He was afraid that the Free Trade principle, if carried out, would tend to deserver (sic) the colony from the Mother Country altogether; and if Great Britain were to throw Canada away<sup>192</sup> would not Great Britain lose things of great importance to it? Would she not lose a place to send her surplus population to? If Great Britain parted with Canada, what was to become of their fisheries--that nursery for seamen?--and he would like to know what it would do for lumber, in case of a war with the Northern Powers.<sup>193</sup> It ((was)) unfair to find fault with the conduct of Great Britain to Canada, for in his opinion, Great Britain had done everything to foster her colonies<sup>194</sup> even at her own expense.<sup>195</sup>

If he was to be brought to think as hon. gentlemen opposite, he must be convinced by strong argument before he could yield to it.<sup>196</sup> There was some probability of her protection being continued to this Province, and if there was even the slightest favor shown to Canada, they ought to be the last to sneer at it; that there should be no opposition to the inserting of a paragraph stating that they were desirous of having protection continued; its insertion would strengthen the hands of the Protection party while the address, as it then stood, would only strengthen the hands of the Free Traders.<sup>197</sup>

Hear, hear, from MR. INSP. GEN. HINCKS.<sup>198</sup>

COL. GUGY ((continued:)) The hon. Inspector-General seemed to be afraid that a mere passing breath should find its way into his resolution, in case it should strengthen the hands of the Protectionists of England. The hon. member, the Inspector General, had honestly stated his views; but he would have the hon. member for Montreal (Mr. Holmes) to remember that there was a strong reactionary movement in this city in favour of protection;<sup>199</sup> (no, no.) And that, at a large meeting, held for the purpose of encouraging Protection, an amendment in favor of free trade was lost by a very large majority.<sup>200</sup> And let Great Britain do as they wished, a number of gentlemen in favor of protection were determined to do what they could to protect themselves.<sup>201</sup> He saw the Hon. Inspector General taking notes, and he (Mr. G.) was afraid that the Hon. member would be getting up, and telling him that the protection of native industry was very different from protection from England. No doubt it was, and they wanted protection from Great Britain also and why not state in the Address, that if Great Britain protect us, we would be gratified,--but if she should not do it, then ask her to take away all restrictions,--but do not repudiate protection. They had been told by the Inspector General, that their protection would not be continued, but were they to believe that such was the case. Older countries had made experiments, and had found them to be disadvantageous, and might there not be a return to the previous course?<sup>202</sup> ((But)) he saw no reason for Canada indulging in experiments.<sup>203</sup> The hon. member for Montreal had made some statements which he (Mr. G.) was afraid would be found untenable, when he told them that, in the first place, consignments had been ordered by Canadian merchants in Havana. He was told that morning, by a gentleman, that it was otherwise; and he had been asked to put it to the members opposite, and to call their attention to it, because they might be putting what was false at the foot of the Throne. They should not hazard any observations in the Address which were not certain and clear. Hon. members would not be astonished that he could not concur in a proposition of which there was no proof. If an attempt was made, it was a mere inchoate attempt, (hear,) and he had never heard of it before; but was there any necessity of writing to Havana for sugar? It was foreign from that usual course of trade--(hear, and laughter.) Hon. members might cry hear, but writing to Havana for sugar was not the most commercial way (hear, hear, and laughter) of doing business. It appeared to him, that the course of commerce was not to have gone to Havana with gold; they might take some of their produce with them--some of their fish, or staves, of perhaps some of their flour--(cries of ice)--and perhaps ice, they might take a little of it also. What was the objection to preventing vessels from Montreal or Quebec, for sailing from thence and sailing in at Newfoundland or Halifax for fish, going to Havana, and there



exchanging their cargo for Havana products--for its sugar and its coffee; but it might be said, that they could not do it as cheap as the Yankees in American vessels<sup>204</sup>, but was this really the case?<sup>205</sup> They were told their merchants had not energy or enterprise enough; but if this proceeded from sloth, was it becoming in them to tell them that they required an organic change in order to enable them to compete with their neighbours. If sugar cost so much, as if it could only be gotten by their sending their gold for it, it might be desirable to have less of it; but if they must have it, it appeared to him that the freight outward would cheapen the sugar inward, and that by shaking off a little sloth, they might get it as cheap as their neighbours.<sup>206</sup> ((Also)) he did not think a merchant required, in such a transaction, bills of exchange in his pocket, he thought the produce of the colony would answer as well, and a return cargo might be had for the produce taken to that port.<sup>207</sup> The hon. member for Montreal had told them what had been said by Captain Swinburn; and would Yankee vessels, if allowed to come here, make them sail cheaper?<sup>208</sup>

An hon. member here remarked that competition would cause this.<sup>209</sup>

COL. GUGY.---This might be a convincing proof to some honble. gentleman, but it did not convince him, that such was the fact, Suppose there 1000 vessels lying at Quebec, and he had seen, he thought, as large a number, would that alter the rate of freight? He did not think it would, as the respective rates would be made the same, from the fact of their becoming neighbourly; the one would soon get to know how much was charged by the other or if any difference did take place, it might amount to perhaps one penny a barrel, and he would like to know if English ships could sail cheaper than those of America, if this would induce American ships to come for Quebec for freight. (Cries of "Yes, yes.") That remained to be proved.<sup>210</sup> If they came to the St. Lawrence, instead of going there, would it make them ask a penny more, or would it cause the Americans to take less? It was said, competition would make them. Was not the competition among a thousand ships of our nation, as great as the competition among a thousand ships of different nations would be?<sup>211</sup>

MR. EGAN rose.----If there were more ships than were required, then freights would be reduced. It was the want of shipping that kept up the price of freights.<sup>212</sup>

COL. GUGY continued:---The hon. member attributes the high freights to the want of shipping; if it was true that there was a want of shipping how was it that the ship Euphemia could not obtain freight after lying a long time at the wharf, so long that she was obliged to go and winter at the Boucherville Islands?<sup>213</sup>

MR. EGAN.---She would have got freight at Quebec.<sup>214</sup>

COL. GUGY.--The vessel could only go one way; she could not go up to Lachine and the lakes; she could only go downwards, and if freight could be gotten at Quebec, it was not likely that she would have stopped at Montreal.<sup>215</sup>

MR. EGAN.---There was sufficient freight at Quebec at this moment to load 700 ships.<sup>216</sup>

COL. GUGY.---If this fact was meant to affect the question, it should be reduced to record; but he (Mr. G.) must hesitate in accepting facts which must convict the whole British shipowners of a supineness which he could not understand, unless it came before him in an authentic shape.<sup>217</sup> If Jonathan could not sail as cheap as John Bull, which was true, according to the statement of Captain Swinburn, he did not think American vessels could come here for freight.<sup>218</sup>

MR. EGAN.--By the return of the Supervisor of Timber at Quebec it appears that there are now lying there 9,000,000 feet of white pine, 4,000,000 feet of red pine, and 2,000,000 feet of deals.<sup>219</sup>

COL. GUGY was quite aware of these facts in returns, but, like many other good things, they required to be taken with a grain of salt.--(Hear, hear, and laughter.) There were other reasons for that amount of timber lying at Quebec. Perhaps there might be a want of market for it, or many other good reasons for not sending it home. It did certainly seem strange to him that they should take steps to induce American vessels to come to the St. Lawrence, when they knew that they could not sail as cheap as British vessels could; and supposing that there were two hundred ships from the United States and Britain at Quebec, would not the English make certain that the Yankee intended to claim so much for freight, and charge so much accordingly? Would not this tend to raise the whole rate of freight? He believed that the competition among the men of one country was quite as keen, as the competition of men from different nations; he therefore, could not see how competition between the U. States and British vessels would lower freight. The hon. gentleman then proceeded to notice a statement in the London Morning Post newspaper, in which it was stated, that, from all we could learn, the rumour of Sir Charles Watt's intention to continue the duty of corn has some foundation. That some credit was to be given to a rumour coming from such a source. If that was the fact, they would have some chance of protection as well as the repeal of the Navigation Laws, and that they should therefore, ask as well for the one as the other. It did not become them to throw the chance of protection away, in order to gratify the self love of a theoretical legislator, who was desirous of being the chief of a new school--a Free Trade one. The views of the hon. Inspector-General might be in favor of this school but he could assure him that there were a great many in this country of a contrary opinion. There were many things which, in theory, were admirable and had only the slight fault of being utterly impracticable, and so it is with Free Trade.<sup>220</sup>

Hear, hear, from MR. INSP. GEN. HINCKS.<sup>221</sup>

COL. GUGY ((continued:)) It might be delightful to the hon. member to carry out the scheme, but, oh! how much more delightful would be the change, if the hon. member would only agree to carry it out at his own expense.--(Hear, hear, and laughter.)<sup>222</sup>

MR. J. SCOTT (Bytown) said, that it was quite true that a great deal had been said about the protecting of British shipping at the expense of the trade of the country. What interest had the British shipowners in this Province, that they should care for their interests? He did not believe that one-fiftieth part of the ships sailing to Quebec and Montreal was owned by persons in this country. The whole of the 1200 vessels coming



here were owned by persons in London, Liverpool, Glasgow, and other towns, who had only brothers or clerks out here to manage their affairs; and why was it that such was the case?--it was because there was protection, and because they knew that none were allowed to compete with them, on account of the Navigation Laws. Most of these vessels were laid on during five or six months of the year<sup>223</sup> doing nothing; but showing how profitable must have been the trade during the rest of the year.<sup>224</sup> And he would ask, if that was not a profitable trade, could it afford that from 500 to 600 vessels, many of them of <sup>225</sup> the largest size, 1000 or 1100 tons<sup>226</sup> burthen, should be laid up for nearly half of the year. In considering the question, and in considering the repeal of the Navigation Laws, they should consider the welfare of the country. Why should they care about the interests of those who had not interest in the country. He had read lately of a meeting being held in Glasgow to Petition the Government that Canada be not allowed to interfere with the Navigation Laws. Now, he would like to know how the people of Glasgow would like to hear of the people of Canada having held a motion to ... interfere with the same portion of their commerce; if they told them that they should not import flour and potash from the United States! They were a Canadian Legislature, and it was their duty to look to the interests of Canada alone. They might be said to have become like a big lubberly boy, and if the Parent State threw them off, it was time for them to look to themselves and to their own interests. Although the question before the House was not a Free Trade one, yet as a great many of the members opposite have spoken about Free Trade, it might be as well to say a few words upon it.<sup>227</sup> The people in Montreal had been subject to many ups and downs.<sup>228</sup> The people here appeared some time ago to want Free Trade, but now they want Protection; in fact, times were so hard that they knew not what they wanted,--what they wanted was not so much, either Free Trade or Protection, as plenty of money. He would like to say a few words on the effects of protection upon the Timber Trade--the most important one in the Province. Look at the 1200 vessels coming to Quebec with immigrants, salt, coals, &c. Would these ships come to this country if it was not for the lumber? There were engaged in it 1500 men in the Ottawa alone, besides those engaged in the West in the manufacturing of wares, and all those men required to be fed, to have clothes, axes,<sup>229</sup> cutlery<sup>230</sup> chains &c. As lumber required to be produced as cheap as it is done now, to make it pay, if a duty of 30 percent was put on the things they required, upon their axes, &c., it would ruin the trade; the port of Quebec would be deserted; the employment which now supports Quebec would be stopped; the men driven from the country, and the country almost ruined; but even supposing that Protection was counted on, who would get the benefit of it? Would it be the English manufacturers?--No, for all their manufactures would be brought from the United States, and it would further decrease our connexions with the United States, which the hon. members opposite were so much afraid of. What were their manufactures? He would like to have them pointed out to him. They manufactured a small quantity of leather, high wires, a little coarse cotton and grey cloth, a few axes, and not enough of satinette to supply the stores in Montreal for a day, and these were the manufactures which were to be protected. He would ask any man in his senses, if all the protection they could get would make them a manufacturing country? Go to Lowell, where they would get every man, woman and child manufacturing.<sup>231</sup>

(Laughter.) Well, the hon. member for Sherbrooke had said much more laughable things than that.<sup>232</sup> He was certain that the imposition of a protective duty would only drive British manufacturers from the Market, and everything they required would be got from the United States, some of which would be smuggled in. Another reason why protection was useless was apparent, if any one looked at their frontier: two or three thousand miles in length bordered by some of the Manufacturing States. How could they protect this frontier<sup>233</sup> with all her army of custom-house officers, and at a distance of twenty miles of sea from a foreign country?<sup>234</sup> Everything that was required would be smuggled in.<sup>235</sup> In Maine, it was said that sugar could be bought for five cents, while in Canada it was twelve cents. Well, that cut both ways. The protection had probably done something to build up the Northern States; but let gentlemen go to the Southern States and see how the people liked there getting these small prices for sugar, when they had to pay 2s. for a 10d. hoe. The protection might be good for the Northern States; but at any rate it had made the Southern States a desert. So we desired to destroy the trade we can carry on; and so drive away the customers for the trade we hope to carry on. The hon. gentleman for Sherbrooke, however, had spoken of the case of the Euphemia<sup>236</sup> a vessel wintering at Montreal; in so doing, he had told the truth, but he had forgotten to tell the whole truth; the vessel was detained, not from want of freight, but in consequence of a legal dispute between the master and parties by whom the vessel was chartered.--(Hear, hear.)--If the hon. member went through all the warehouses in Quebec and Montreal<sup>237</sup> ... he would find enough merchandize to load 50 ships the size of the Euphemia<sup>238</sup>. The hon. member had also said, that if Yankee vessels came here, they would agree with John Bull to keep up prices. Well, even if they did, was it not as well to allow brother Jonathan to have a share of the trade as well as John Bull?--He did not believe that protection did any good to the lumber trade;<sup>239</sup> the timber trade wanted no protection, so long as trees grew, and men were to be found to cut them. The evil was not want of protection; but the existence of these Navigation Laws. The fact was that the timber trade was of all others the most precarious and variable. The average quantity of white pine got out was about 12,000,000 of feet. In 1811 about that quantity was got out, and it produced from 5½d. to 7½d. per foot, instead of three or four pence. In 1812, 32,000,000 feet were got out in consequence of that success. This was forced on the market; the price fell; and the lumberers were ruined. It seems, perhaps, as if the navigation laws had little to do with that; but in fact, they had--they did all the mischief.--The shipowners had sent out only ships for 12,000,000 feet, those vessels found 32,000,000 feet in that port, and knowing that some must go home, they charged whatever freight they pleased. Thus, instead of the lumberers getting an extra 4d. or 5d. per foot, they got but 2d. per foot. What would the lumberer, however, have done, if there had been no navigation laws? He would have telegraphed New York, and he would have had as many ships as were necessary to take away his lumber.--England might be sent to, and was sent to; but it was utterly impossible to send there till too late. But another trade was rising which seemed to have been overlooked in this debate. On the Ottawa, lumberers had got only \$5 or \$6 a 1000 ft. for sawn timber, whilst those on the back of the St. Lawrence got \$16 to \$20. Last year some enterprising lumberers on the Ottawa determined to try what they could do in that trade, and one



house alone had sent enough to supply the city of Albany for a twelvemonth. If the navigation laws were repealed, a great deal of lumber would find its way to the West Indies in American vessels. But the repeal of the navigation laws would vastly increase the population of the country. If Americans were permitted to load their own vessels and send Corn down in their own ships from Chicago, many of them would doubtless come to establish themselves in Canadian cities, to transact the business connected with them. He would now ask, how it was that a flouring mill with six run of stores was worth nothing on the north side of the St. Lawrence, while it could not be bought for money on the south side. It was because, though the thing was hardly understood in the United States, because the people there had a greater amount of practical free trade than any people in the world--the trade of the great American Continent. It had been said that produce sold higher in the United States than here. He only spoke from memory; but he believed this had happened only twice--in 1836 and 1848, and it happened in the first year in consequence of causes having nothing whatever to do with mercantile reasons. Every lumberer, however, well knew that large quantities of timber came down from the United States--and that great quantities were shipped at Montreal and Quebec, because it could be shipped at great advantage. The hon. member for Sherbrooke spoke of the evils he apprehended. Well what harm did he apprehend from the repeal of the Navigation Laws; for the question of Free trade had nothing to do with the question before the house.<sup>240</sup>

COL. GUGY.--The hon. gentleman was mistaken in saying that he was unfavourable to the Repeal of the Navigation Laws, he had only deprecated the repudiation of protection.<sup>241</sup>

MR. J. SCOTT.--Well, supposing the hon. Member did say he was in favor of the Repeal of the Navigation Laws.<sup>242</sup>

COL. GUGY.--But I did actually say that I was.<sup>243</sup>

MR. J. SCOTT.--Well, admitting the hon. gentleman really did say so, he put it to the house if the tenor of his whole speech was not against it.<sup>244</sup> When published, if it were published, every partial man would say that it was entirely opposed to the abolition of those laws. The hon. gentleman might talk about trying experiments; but there were times when it was necessary to try something, and it was plain that the people of the country were not disposed longer to try the gentlemen opposite, who found the country in the most flourishing condition, and left ((it)) in the most depressed state. When every thing else failed experiments were necessary.<sup>245</sup> The hon. member then concluded by stating he did not pretend to be very deeply versed in the subject, and that he was rather afraid of catching it from members opposite for much of what he had said.<sup>246</sup>

MR. SOL. GEN. BLAKE.--When the hon. member for Huron stood up, he felt disposed to advise the hon. Inspector General that seeing how he had been living on the brains of the hon. member for Huron, he should continue to do so a little longer, and adopt his suggestion. But the hon. member went too far when he mentioned the authority on which he founded his amendment--it was an electioneering speech of the son of Sir Robert Peel. Now if electioneering speeches were worth more in England than they were in Canada, he thought that authority was worth very little. If the hon. member, instead of thinking so much of Sir Robert Peel's son, had thought a

little more of the contrast of his conduct, that might compare with that of the session of 1847, he would have done a great deal better. Sir Robert Peel's son however, had come to a very different conclusion from the hon. gentleman, for he thought protection would not be restored; yet upon that proof of the probability of its restoration, hon. gentlemen were prepared to deny their own acts,--for this reason, and because Mr. Dension had declared that unless the corn laws had been repealed he would not have answered for the stability of the country. When statesmen spoke in that manner, what did it mean? Was England so little noted for stability that it was necessary to fear anything from mere agitation? No, that was not necessary; but when the middle classes were injured by oppressive laws--when classes were sacrificed to other classes, there was danger for English institutions; and there would be danger for Canadian institutions, whenever the same cause existed. But gentlemen were so much in love with the protective pulley, that on such grounds as these they refused to allow an address to go home, asking simply for the repeal of the Navigation Laws, without tacking to it something about protection. Did not the hon. member remember that by his own bill of 1847, the products of England were admitted only on the same terms as those of the United States? The passing of that act was destructive in every sense of the word of the system of protection. In the name of common sense, would the gentleman whose brains had fed all on that side of the House tell what he meant by protection and what by free trade? Did he mean that England, without any advantage in the Canadian Market, was to revive all the advantage formerly accorded to Canadians in hers--that for nothing at all she was to pay Canada so much per quarter on every sack of wheat she consumed. Ah, but said the hon. member for Toronto, the last address adopted a principle, and I like to support a principle. He Mr. Blake would like to know what the principle was which he supported--Had not the bill of 1847 completed the principle? The hon. member had asked why the navigation laws should be allowed to stand; but the hon. member for Sherbrooke had made the whole question clear; and had even vouched the hon. member for Huron as being of his opinion. He wanted to have the navigation laws repealed, and the wheat protected at the same time--He could not help admiring the profound and statesman-like reasoning of the hon. member. England was to have no better market in Canada than any where for her manufacturers, yet the navigation laws were to be repealed and England's noble navy--her glorious marine, as the hon. member said, when he wished to add poetry to the dryness of the subject--all this was to depart forever. What was to remain to her? She was to starve her thousands of manufacturers, in order to pay Canadians 5s. or 10s. per quarter on her wheat. That what appeared to be the hon. member's notion of free trade and protection. But if the hon. member meant the protection of home manufactures, then he (Mr. Blake) would ask whether the law of 1847 was to be preserved? If so, he supposed that English manufactures, at least, would not come in on worse terms than those of the United States. If not, that admirable protection was to be afforded by which our home manufactures would be brought into competition with that nation of all the world, which declared to all the world that she was ready to compete with them. This could not be the kind of protection which the hon. member referred to, when he spoke of drawing the bond of connexion together between the mother country and the colony. That protection must operate on both sides. Then, again, hon. gentlemen talked about paying for the public works, and some said



that England was to pay for them. For his own part, he believed there was no reason to suppose that these works would not pay for themselves, if the people of the country did not themselves obstruct them. One hon. gentleman had declared that he considered the restoration of protection far more important than the abolition of the navigation laws. He did not think so. He belived (sic) that protection was as nothing compared with the injury inflicted by these restrictions. If Canada transmitted yearly through the Canals as much of her own produce as she did in her best year 1847, she would still be poor--that trade never could, and never was expected to repay her expenses. In 1847 only 625000 bushels of wheat, and 650000 barrels of flour came down the Canals. On the other hand he saw that in the same year there had been shipped from the United States 4,500,000 bushels of wheat, 3,500,000 barrels of flour, and 17,500,000 bushels of corn. Was it from protection that Canada could expect any part of that trade? By forbidding traffic to obtain a 2s. or 3s. on the miserable 6,500,000 bushels, that trade would be broken up which would make Canada a rich and happy country. If there existed rich countries bordering on Canada possessing advantages of a superior character by means of a constantly open southern navigation, it seemed that Canada could have little hope of successful competition.--But looking at facts he found that in the year the whole amount of wheat that reached New Orleans, for shipment, was but 500,000 bushels, and of flour 200,000 barrels. He saw then that there must be some peculiar advantages of the northern route, which prevented the produce of the countries, lying at the Ohio, from being shipped at New Orleans. In looking for the same year at Chicago, he found that, 1,500,000 bushels of wheat were shipped; another large quantity at Detroit; at Toledo, 1,000,000 bushels; at Sandusky 2,000,000; at Cleveland 2,500,000. In that year that 650,000 bushels of wheat were shipped in Canada; 6,500,000 bushels were shipped at Buffalo to be sent to Albany, unshipped; reshipped for New York, and thence forward to Europe, every one of which would infallibly have gone by the St. Lawrence, had the canals been complete, and all restrictions removed. But not only was these instructions to be found in the fact that the northern route was always preferred, because that showed that a great object was attained by passing through cool waters. There was another circumstance well worthy of notice. It was this, he had ascertained that a steamer could be navigated on the lakes at a rate six times less than on the southern navigations. It was upon an energetic attempt to grasp these advantages to which he would look far more than protection. But gentlemen on the other side were for giving protection to everybody and everything.--England never did so. She tried to protect her own interest, but never those of others. Her colonial system was an attempt to protect certain of what are called interests. She wished to be the great merchant; and, because she thought that beneficial to her, she demanded it, and enforced it by navigation laws and other restrictions. The hon. member for Huron was decidedly for keeping up protection, and yet he would have the law of 1848; and the hon. member for Sherbrooke was quite willing--oh yes, let Canada ask for both, and have a repeal of the navigation laws too.--The hon. member for Sherbrooke had said that free trade would make competition, and competition would enable the shipowners to realize higher freights. When he (Mr. Blake) heard that he thought

it the strongest argument that had been yet alleged in favor of the abolition laws. He thought the hon. member must be a free trader; for if he were to add several other vessels to the 1000 ships that he had seen at Quebec, he would still find everything going on as before, only with higher freights. But all this was to be left to John Bull, who, no doubt, was at this time very ignorant, but would soon have the matter satisfactorily explained to him. For his own part he would tell the hon. member for Sherbrooke that he believed the abolition of the navigation laws would strengthen the connection between the colony and the mother country. It would be the most likely way to cement that connection, to remove every restriction. There were some who desired to cripple the trade of the Province till it became nothing--who would tax and starve the farmer till he had not a barrel to send to market. He was not in favor of that policy--he desired to make the farmer happy as a British subject, by giving him all the advantages to which his noble position on the St. Lawrence entitled him. Was it for the benefit of England to destroy her colonies and her customers? Then why should she desire to continue these restrictions? Suppose Canada had the shipping of 4,500,000 barrels, which had been shipped at Buffalo, would the good people of Montreal be much poorer? Which would be better, to stand upon the policy of getting 4s. a barrel on this 650,000 barrels, or not caring where it come from, to take the produce of the West and carry it?--The disadvantages which Canada labours under, strike not only those unacquainted with the facts connected with her commerce, but with the commerce of the neighboring States; but he defied any man, after he gazed at the map and looked at the statistics of the trade of this country, to doubt that the true policy of every statesman in this country is to open our ports as wide as they can be opened, to leave our commerce as unrestricted as it can be left, and thus to obtain the whole of the carrying trade of the vast produce of the West. Let no man tremble for the connection between this Province and England, when this produce comes down our canals and river, and goes to England; and if we live on the banks of the St. Lawrence, and have the same opportunity of building shipping that other people have, what have we to fear from the competition?--We have all the advantages with us. We should have an immense flood of trade coming down the St. Lawrence and going direct to England; thus in a most direct manner connecting this colony with England. He trusted, therefore, that without any vain dream of what England might do by and by, without--he had almost said, only he did not know whether it was Parliamentary--any beggarly idea of asking some 2s. or 3s. protection per quarter, the people of Canada should, like men, be up and doing, and he prepared for that trade which must inevitably come to us before many years. (Hear, hear.)<sup>247</sup>

MR. WATTS here moved that the Committee do now rise, report progress, and ask leave to sit again.<sup>248</sup> (Cries of no, no.)<sup>249</sup>

MR. INSP. GEN. HINCKS urged the withdrawal of the motion, as it was of the utmost importance (as he had stated on Friday evening) that the address<sup>250</sup> should be a joint one from the two Houses, and as the mail left on Thursday, there was not a moment to delay, if it was to be sent home by the first mail.<sup>251</sup>

The motion was withdrawn.<sup>252</sup>

MR. CHAUVEAU said it had not been his intention to address the House on



the present occasion, nor should he have risen for that purpose, did he not feel it to be his duty as member for the County of Quebec, not to allow a subject of such great importance to Quebec to pass by without expressing his views. He regretted that the hon. member for the city of Quebec, (Mr. Methot,) <sup>253</sup> who was a mercantile man, and much better acquainted with the subject than he was had not done so <sup>254</sup>. He also regretted that there had been no expression of public opinion from the Mercantile community of Quebec, so as to guide them in the vote they were to give upon this question. He felt it his duty to support the Resolutions proposed by the hon. member of Oxford. The city of Quebec felt great interest in this matter, and no wonder, when they had seen for so many years all the talent and activity of some of the ablest <sup>255</sup> clever and enterprising men <sup>256</sup> in the country, striving to concentrate the whole trade of the Province in Montreal, and make it, instead of Quebec the great entrepot. It was natural therefore that the people of Quebec should feel a great interest in a measure which must bring down to Quebec a great portion of the trade not only of Upper Canada, but of the United States also. When the propellers from the Western Country would come down direct to Quebec with flour and produce to ship it for Europe. He had heard that some of the shipowners and shipholders of Quebec--a very small number he thought--were of opinion that their line of business would suffer from the free navigation of the St. Lawrence, but the fact that there had been no meeting and that they had given no public expression on the subject, led him to believe that they must be divided in opinion, and that very few of them held that view. As to the main question, whether the free navigation of the St. Lawrence would be a benefit to the country or not, he conceived that no doubt could be entertained. <sup>257</sup> He further stated, that the subject of the navigation laws was distinct from that of protection of home manufactures in Canada. He was in favor of the repeal of those laws, but he was also a supporter of protection in the colony. He considered that policy as the best, for our interests, and he would give it his voice on all occasions. <sup>258</sup> OR He thought that asking protection from Mother Country after the Mother Country had thought fit to take it away from us, would be like a child crying for the plaything which its mother had taken away from it. (Loud cries of hear, hear.) It was quite absurd to expect that England would return to the old system of protection for our sake. The free navigation of the St. Lawrence seemed to him to be the natural and inevitable consequence of a cessation of that protection. He would not detain the House any longer, but he had thought it his duty to express his views on this question, and the views of his constituents, although he could not be sure on that point, as no public demonstration had taken place in Quebec. <sup>259</sup>

MR. CAYLEY, in reply to Mr. Blake's attack said, that when he saw the hon. Member for the 3rd. Riding of York rise from his seat, and stretch forth his arm to the opposition benches in all the majesty of the fame, which had preceeded him, as the man of the Session, the great gun of the Administration and caught his flashing eye sternly fixed upon him, the hon. Member for Huron, when he heard himself marked out by name, as the one on whom the hon. gentleman's fatal artillery was about to be directed, he shrank in his seat, and felt strongly disposed to creep into the cupboard that stood at his side, he was ready to exclaim in the language so well

suited to the hon. gentleman, and in the strain in which he so frequently indulged, "approach then like the ragged Russian Bear, the armed rhinoceros, the Hyrean Tiger, take any form but that of the Member for 3rd. Riding of York, and my firm nerves shall never tremble." But when the first buck of the storm had passed away, and he had somewhat recovered his breath and his ear had become accustomed to the strange sounds, they strongly reminded him of the effect produced by savoring a bottle of water, which made a vast sputtering as the empty air bubbles forced their way into the vessel. The hon. gentleman's speech was a jumbled collection of materials, cut and dried, prepared to hand, probably in the Council-room, little applicable to the matter before them, and very wide of the line of debate. Had he, Mr. Cayley, introduced the subject of Mr. Peel's speech? Or had the Member for Oxford?<sup>260</sup>

MR. SOL. GEN. BLAKE.--It was Sir A. Macnab on Friday last.<sup>261</sup>

MR. CAYLEY.--Had he, Mr. C., introduced Mr. Denison's speech?<sup>262</sup>

MR. SOL. GEN. BLAKE.--It was Sir A. Macnab. (Cries of order.)<sup>263</sup>

MR. CAYLEY.--Had he, Mr. C., said one word about Free Trade, had he opened his lips on the subject. The hon. gentleman had sneered about election speeches in England, had he in his mind's eye, a certain speech written in England and addressed to a certain Riding of York setting forth how benighted Africa, idolatrous Asia, jarring Europe, how all the quarters of the globe, were prepared to hail the bright star, which his constituents had invited to rise to their hemisphere to watch the Western World. The hon. Gentleman had expressed his unbounded astonishment at the audacity of the opposition: who, having brought in the Customs Bill of 1847, now talked of protection; and why not? had they not talked of it in 1847? and addressed the Home Government about it in 1847? were they, because they had brought in and carried a measure, at the invitation of the Imperial Government, to dispense with the determinating duties on imports, a measure extremely beneficial to Canada; were they precluded from asserting that, protection to Canadian produce was a desirable boon? Were they, on that side of the House, at liberty to assert the same position taken by the hon. Member for Norfolk, from whom the hon. Gentleman on this occasion, was disposed to differ, viz., the right to legislate for the best interests of Canada and leave Great Britain to manage her own concerns. He, Mr. C., would advocate the right of Canada to endeavour to buy in the cheapest market, and sell in the dearest--he would advocate her right to seek for protection to her products, whenever it was to be obtained, he would maintain the soundness of the principle, of giving protection to the Manufacturer, and the Farmer, by moderate duties levied on imports, he concluded that whatever revenue was necessary for the public service, should be raised mainly by customs duties so apportioned as to protect native industry of every kind. These were his views, and he cared not how widely his expression of them was made known. The hon. gentleman had produced a long array of figures, but he did not see how they were made to bear on the subject, the hon. Member had frequently alluded to a certain quantity, 600,000 bushels of Wheat exported in 1847--with that view? To show how limited and decreasing a supply was found in Canada,--if so, the hon. gentleman knew but little of the subject on which he had been arguing or the causes which had affected the shipping of grain and flour. The year 1847,



which the hon. Member had selected for his illustration of a decreasing supply, had seen the largest quantity of flour sent down from Upper Canada, of any year either before or since the Union--as a proof, he would state, from printed returns, that the quantity which passed Lachine in 1845, was between 5 and 600,000 barrels--that in 1849, it approached 880,000 barrels, and in 1847, the quantity had exceeded 890,000 barrels.<sup>264</sup>

MR. SOL. GEN. BLAKE said he had referred to what was exported from Montreal, and not to what had come down from Upper Canada.<sup>265</sup>

MR. CAYLEY ((continued:)) In the case, the honorable Member had stated what could be of little service to that House if unaccompanied by explanation. What was the reason that the exports from Montreal had been light in the fall of 1847? Was it that there were no ships to carry the produce away or that Freight was not to be had? From 1843, when freights were down to 3s. 6d., they had never been so low as they were in the Autumn of 1847--namely, 3s. 3d.; and the reason was that there was no market, foreign grain had glutted the English markets, and there was no sale. As the hon. Inspector General was desirous of pressing his motion through that night, he (Mr. C.) would not further take up the time of the House; but he begged to assure his hon. and learned friend for the 3rd. Riding of York, he should be ready to resume the cudgel when he should be invited.<sup>266</sup>

MESSRS. STEVENSON AND BADGLEY, both spoke briefly in favor of the amendment, but in so low tones that they could not be heard in the Reporters' Box.<sup>267</sup>

MR. MCCONNELL did not intend to have taken any part in this debate, knowing as he did, that every minute thus consumed cost the country one dollar.<sup>268</sup> Long debates cost the country a large sum of money.<sup>269</sup> He should therefore have remained silent, but for an observation which fell from the hon. member opposite. As to the question before the House, namely the propriety of doing away with the Navigation Laws, he supposed there was but one opinion (hear, hear;) and it appeared to him that all the arguments bearing on the question might have been put in a very small nutshell. (Hear, hear.)<sup>270</sup> At one time it was the policy of Great Britain to give protection to her colonies, but at the same time, as a kind of offset, she imposed the navigation laws upon them; at another time, she had seen fit to do away with protection, at the same time she should have dropt the navigation laws.<sup>271</sup> (Hear, hear.) An hon. gentleman who called himself member of the city of wood, had told the House that they should not<sup>272</sup> encourage<sup>273</sup> home manufactures, because the people of the United States can manufacture cheaper than we can. (So we understand the hon. member.) He (Mr. McConnel) thought that was a bad doctrine. What were the causes which enable the people of the United States to manufacture cheaper than we can? In the first place, they were an industrious, intelligent, and go-ahead people. Although, at the same time, he would not admit that they excelled in that respect the people of United Canada. What, then, enabled them to manufacture so cheaply, and be a great manufacturing people? It was protection. (Hear, hear.) At a certain time they found it necessary to protect and encourage home manufactures<sup>274</sup> and their manufactures had flourished so much under it, that they could now come and sell us things cheaper than the British could do. By being obliged to buy their manufactures, all their money was taken away. He was

desirous of their manufacturing for themselves, and keeping their money within the country, and he, therefore, was for protection, in order that they might have a trial, to see if they could manufacture for themselves.<sup>275</sup>

MR. INSP. GEN. HINCKS rose, amidst cries of question, he said he would make very few remarks in reply to the hon. member for Sherbrooke, and others who had taken part in this debate and endeavour to shew that the arguments they brought forward were inconclusive. It was very much to be regretted that any amendment had been moved to this resolution. They all agreed as to the propriety of the repeal of the Navigation Laws, and it was of the greatest importance that there should be unanimity on the part of this House and country if they desired to get that repeal. (Hear hear.) The hon. member for Sherbrooke had asked him (Mr. H.) why he desired to strengthen the hands of the free Trade party and not of the Protectionists? he would answer the question: the Free Traders who are now in power in England propose to give us the repeal of the Navigation Laws, which all here want, surely then they ought to strengthen the hands of those who promised to give them what they desired. If the hon. member was, as he professed to be, in favor of a repeal of the Navigation Laws, why should he not do in his power to strengthen the hands of those who favour that measure. What would be the object of strengthening the hands of the Protectionists, to aid them in throwing out the Ministerial measure. He (Mr. H.) could not understand the policy of adopting such a course. (Hear, hear.) The hon. member states that there were three things to be submitted. Protection without the repeal of the Navigation Laws--a repeal of the Navigation Laws without the continuance of protection, and third which he said was the proposition from his side of the House, to have a repeal of the Navigation Laws, and also the continuance of protection. The protection party were at present out of power in England, and there was no reasonable ground to suppose that they were likely to come in at an early period, and therefore, by asking for protection, we simply strengthen the hands of these people, without gaining anything for ourselves. We are not going to get protection, the present government were not likely to give it to us, unless they did it on the principle of placing a revenue on corn, in which case they would do it without any advice from us, and totally irrespective of any expression of opinion here. There had been a great deal said in the course of the debate on the general question of protection and free trade, subjects quite irrelevant to that under discussion. With regard to the question of protection to domestic manufactures, that also would be discussed, at another time, and it was useless to introduce it now on the consideration of a question on which members of both sides of the House were agreed. Mr. Hincks next referred to the effect of the navigation laws on the trade with Havanna, and on the price of freights from the St. Lawrence homewards, and concluded by expressing a hope, that if the supporters of the amendment which had been (sic) proposed by Mr. Cayley, saw that they could not carry it, they would pass the original motive (sic) unanimously. (Hear, hear.)<sup>276</sup>

MR. DEWITT made some remarks in favour of the Resolution, and expressed his confidence in getting most of the trade of the West to come by the St. Lawrence, should they succeed in getting the Navigation Laws repealed; and so high an object did he consider the repeal of these laws, that he would



recommend the Government to send two gentlemen to impress upon the Home Government the advantages which the country would derive from the measure.<sup>277</sup>

The amendment was then put from the Chair, and lost, only about 12 members voting for it.<sup>278</sup>

The original Resolution was then put and carried unanimously.<sup>279</sup>

(43)

after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Thompson reported, That the Committee had come to a Resolution; which was read, as followeth:--

Resolved, That an humble Address be presented to Her Most Gracious Majesty, to assure Her Majesty of the devoted loyalty of the people of this Province, and of their sincere attachment to Her Majesty's person and Government; to represent to Her Majesty that this House feels it to be a duty incumbent upon it to take the earliest opportunity to assure Her Majesty that the sentiments of the people of this Province on the subject of the repeal of the British Navigation Laws which were expressed to Her Majesty in a joint Address from the two Houses of the Provincial Parliament in the month of July, 1847, remain unchanged; that delay in removing the present restrictions on the employment of Foreign Shipping would, in the opinion of this House, be highly injurious to the Carrying Trade of the St. Lawrence; that in order to secure the Trade, the Province, relying on the continuance of the protection which was then enjoyed by Colonial products in the markets of Great Britain, incurred a large debt for the construction of a line of Ship Canals, by means of which the cost of Inland Transport has been very materially reduced; that owing to the difficulties attending the navigation of the St. Lawrence, the greater length of the voyage, and the higher rates of insurance, freights are likely at all times to range higher at Quebec than at New York, but that the practical effect of the Navigation Laws is not only to prevent the possibility of a fair competition between the two routes, but actually to give direct encouragement to American shipping, not only through the Canals of the State of New York, but at the Seaports of the United States; that at the Seaports of the United States Shipping can generally be procured to carry any quantity of produce that may be offered without a material increase of freight, but that even in case of scarcity, as the navigation is open throughout the year, Foreign Shipping can readily be procured in Europe at fair remunerative rates of freight, and without serious inconvenience

(44)

or loss of time; that at Quebec, on the other hand, the exporter is compelled to rely on the regular traders to the ports, so that when an unusual accumulation of produce takes place, vessels cannot be procured, and freights immediately rise to most exorbitant rates; that no means exist of engaging British Shipping to meet the sudden demands which the nature of the trade causes, as such shipping is seldom to be met with at American ports, unless under specific orders, or the engagements of a Character; that the early closing of the navigation of St. Lawrence renders it difficult, if not impossible, to obtain shipping from England

to supply the sudden demands which, from the nature of the trade, are constantly arising, and which could readily be supplied at the American Seaports, whence vessels would at any time come round to the St. Lawrence if assured of remunerative freights; that the uncertainty which at all times prevails as to the route by which the products of the West will be transported to the Sea Board, must operate to prevent British Vessels coming to the St. Lawrence in sufficient numbers to ensure moderate freights during the shipping season, while the scarcity of shipping and the immediate rise of freights to England, whenever a large supply of products is sent by the St. Lawrence, has the effect of diverting those products through the Erie Canal to New York: That the Navigation Laws have likewise had a most injurious influence on the import trade of the Province; that it has not unfrequently happened that Canadian importers of sugars, being unable to procure British Vessels on any terms at Havannah and other foreign ports, have been compelled to import their cargoes in American bottoms to New York, and thence through the American Canals to Canada, when, but for the restrictions imposed by the Navigation Laws, they would have imported them by the St. Lawrence in foreign bottoms, which could have been readily procured: That this House has observed, with much satisfaction, that a Bill was introduced into the House of Commons during the last Session of the Imperial Parliament for the repeal of the Navigation Laws, and this House being of opinion that the provisions of that Bill are calculated to remove those restrictions from which the trade of this Province is now suffering, most humbly pray that Your Majesty will be graciously pleased to recommend the subject of the repeal of the Navigation Laws to the favorable consideration of the Imperial Parliament. And this House would further humbly pray, that Your Majesty will be graciously pleased to authorize the Governor of this Province to permit Foreign Vessels to navigate the St. Lawrence above Quebec, under such restrictions as His Excellency may in his wisdom see fit to impose.

The said Resolution being read a second time;

The Honorable Mr. Cayley moved in amendment thereunto, seconded by Mr. Sherwood, of Brockville, That the words, "of protection to Colonial products and" be inserted after the first word "subject:" That the words, "delay in removing the present restrictions on the employment of Foreign Shipping would, in the opinion of this House, be highly injurious to the Carrying Trade of the St. Lawrence;" that in order to secure this Trade, the Province, relying on the continuance of the protection which was then enjoyed by Colonial products in the markets of Great Britain, incurred a large debt for the construction of a line of Ship Canals, by means of which the cost of Inland Transport has been very materially reduced," be left out, and the words, "this Province, relying on the continuance of the protection enjoyed up to a very recent period by Colonial products in the English market, and assisted by a loan raised on the Credit of Great Britain, has constructed a chain of Ship Canals to connect its inland waters, and extend the Carrying Trade of the St. Lawrence;" that the withdrawal of that protection, more especially while the St. Lawrence continues closed to foreign vessels, must render these Works comparatively useless, and impose a heavy unproductive debt on the limited resources of the Province," inserted instead thereof: and, That the word "but" after the first words "New York," be left out,



and the word "and" inserted thereof.

And the Question being put on the Amendments; the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cayley, Christie, Dickson, Gugy, Macdonald of KINGSTON, Malloch, M'Lean, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, and Stevenson.--(14.)

NAYS.

Messieurs Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chauveau, Davignon, DeWitt, Duchesnay, Dumas, Egan, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, M'Connell, M'Farland, Merritt, Méthot, Morrison, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, Viger, and Wetenhall.--(49.)

So it passed in the Negative.

Then the said Resolution was agreed to.

Resolved, That a Select Committee, composed of the Honorable Mr. Hincks, the Honorable Mr. Attorney General Baldwin, and Mr. Holmes, be appointed to prepare and report the draught of an Address to Her Majesty, in conformity to the said Resolution.

Address to  
Her Majesty  
reported.

The Honorable Mr. Hincks reported from the Select Committee appointed to draw up an humble Address to Her Majesty on the subject of the Navigation Laws, that they had drawn up an Address accordingly; and

the same was read, as followeth:--

To the Queen's Most Excellent Majesty.  
Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, humbly approach Your Majesty for the purpose of assuring your Majesty of the devoted loyalty of the people of this Province, and of their sincere attachment to Your Majesty's Person and Government; and we beg to represent to Your Majesty that we feel it to be a duty incumbent upon us to take the earliest opportunity to assure Your Majesty that the sentiments of the people of this Province on the subject of the repeal of the British Navigation Laws which were expressed to Your Majesty in a joint Address from the two Houses of the Provincial Parliament in the month of July, 1847, remain unchanged; that delay in removing the present restrictions on the employment of Foreign Shipping would, in our opinion, be highly injurious to the Carrying Trade of the St. Lawrence; that in order to secure this Trade, the Province, relying on the continuance of the protection which was then enjoyed by Colonial products in the markets of Great Britain, incurred a large debt for the construction of a line of Ship Canals, by means of which the cost of Inland Transport has been very materially reduced; that owing to the

(45)

difficulties attending the navigation of the St. Lawrence, the greater length of the voyage, and the higher rates of insurance, freights are likely at all times to range higher at Quebec than at New York, but the

practical effect of the Navigation Laws in not only to prevent the possibility of a fair competition between the two routes, but actually to give direct encouragement to American shipping, not only through the Canals of the State of New York, but at the Seaports of the United States; that at the Seaports of the United States, Shipping can generally be procured to carry any quantity of produce that may be offered, without a material increase of freight, but that even in case of scarcity, as the navigation is open throughout the year, Foreign Shipping can readily be procured in Europe at fair remunerative rates of freight, and without serious inconvenience or loss of time; that at Quebec, on the other hand the exporter is compelled to rely on the regular traders to the port, so that when an unusual accumulation of produce takes place, vessels cannot be procured, and freights immediately rise to most exorbitant rates; that no means exist of engaging British Shipping to meet the sudden demands which the nature of the trade causes, as such shipping is seldom to be met with at American ports, unless under specific orders, or the engagements of a Charter; that the early closing of the navigation of the St. Lawrence renders it difficult, if not impossible, to obtain shipping from England to supply the sudden demands which, from the nature of the trade, are constantly arising, and which could readily be supplied at the American Seaports, whence vessels would at any time come round to the St. Lawrence if assured of remunerative freights; that the uncertainty which at all times prevails as to the route by which the products of the West will be transported to the Sea Board, must operate to prevent British Vessels coming to the St. Lawrence in sufficient numbers to ensure moderate freights during the shipping season, while the scarcity of shipping and the immediate rise of freights to England, whenever a large supply of products is sent by the St. Lawrence, has the effect of diverting those products through the Erie Canal to New York.

We beg further to represent to your Majesty, that the Navigation Laws have likewise had a most injurious influence on the import trade of the Province; that it has not unfrequently happened that Canadian importers of sugars being unable to procure British Vessels on any terms at Havannah and other foreign ports, have been compelled to import their cargoes in American bottoms to New York, and thence through the American Canals to Canada, when, but for the restrictions imposed by the Navigation Laws, they would have imported them by the St. Lawrence in foreign bottoms which could have been readily procured.

We have observed with much satisfaction, that a Bill was introduced into the House of Commons during the last Session of the Imperial Parliament for the repeal of the Navigation Laws, and being of opinion that the provisions of that Bill are calculated to remove those restrictions from which the trade of this Province is now suffering, we most humbly pray that Your Majesty will be graciously pleased to recommend the subject of the repeal of the Navigation Laws to the favorable consideration of the Imperial Parliament.

And we would further humbly pray, that Your Majesty will be graciously pleased to authorize the Governor of this Province to permit Foreign Vessels to navigate the St. Lawrence above Quebec, under such restrictions as His Excellency may in his wisdom see fit to impose.

The Address being read a second time, was agreed to.  
Ordered, That the said Address be engrossed.



Resolved, That a Message be sent to the Legislative Council, informing their Honors that this House has adopted an Address to Her Majesty on the subject of the Navigation Laws, and requesting the concurrence of their Honors thereto.

Ordered, That the Honorable Mr. Hincks do carry the said Message to the Legislative Council.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Viger.

The House adjourned.

APPENDIX, 29 JANUARY 1849,

((NOTICE OF MOTION RE: PROVINCIAL LUMBER TRADE.))<sup>280</sup>

MR. J. SCOTT (Bytown) gave notice that he would to-morrow move for the appointment of the Committee to enquire into the present state of the Lumber Trade in this Province.<sup>281</sup>

((QUESTION AND ANSWER RE: SEIGNEURIAL RIGHTS.))<sup>282</sup>

DR. DAVIGNON inquired of Ministers whether it is intended to propose any measure, with respect to Seigneurial Rights, and if so, what is its nature.<sup>283</sup>

MR. AT. GEN. LAFONTAINE a répondu ... que l'administration ne proposerait pas, durant cette session, de mesure concernant le tenure seigneuriale, mais qu'elle soumettrait à la chambre une résolution préparatoire tendant à asseoir la base d'une mesure future. Après l'adoption de cette résolution générale, si elle a lieu, un comité spécial devra être nommé, lequel sera chargé de s'enquérir des moyens et du mode de changement de tenure.<sup>284</sup>

((WITHDRAWN MOTION RE: REPEAL OF JUDGES' INDEPENDENCE ACT.))<sup>285</sup>

M. LAURIN fit motion qu'il lui fut permis d'introduire un bill pour rappeler l'acte d'indépendance des juges. L'objet de la mesure, dit M. Laurin, était de rendre les juges responsables de leur conduite vis-à-vis de quelque tribunal qu'il faudrait nommer.<sup>286</sup>

MR. AT. GEN. LAFONTAINE dit qu'il s'opposerait à l'introduction de cette mesure.<sup>287</sup>

DR. LATERRIERE se prononça en faveur du projet de loi.<sup>288</sup>

MR. AT. GEN. BALDWIN croyait que ce bill était également important pour le Haut comme pour le Bas-Canada. Il espérait que la chambre ne retournerait pas sur ses pas pour placer les juges sous la dépendance de la couronne. Si c'était là l'intention du moteur de la mesure, la chambre devait et il espérait qu'elle s'opposerait à son introduction.<sup>289</sup>

MR. SHERWOOD concurred in the views taken by the honble Member the Attorney General West. The principal of the bill sought to be introduced, was one which ought to be opposed at once. Were such a bill passed, much evil would arise, as an instance of which, he might return to the late attempt to place an inferior judge over superior judges. Was it sought to try judges by impeachment, he would not object to that, but he would oppose the wish to go back to the state of things which existed prevailed (sic) to the existing law coming into operation. He would oppose the motion.<sup>290</sup>

M. CHRISTIE dit qu'il s'opposerait à la motion.<sup>291</sup>

COL. PRINCE parla dans le même sens. Un des premiers actes de Georges III, dit l'hon. membre, fut de donner son consentement à la passation d'une loi établissant l'indépendance des juges.<sup>292</sup> The law bearing upon the district judges he designated as "odious," and thought the sooner it was removed from the Statute book the better. He hoped judges would soon be placed on the same footing as the other judges. He opposed the present



measure.<sup>293</sup>

MR. CHAUVEAU spoke in favor of the bill.<sup>294</sup>

((Il y avait)) quelques remarques ... de quelqu'autres membres contre.<sup>295</sup>

On ... a demandé ((de M. Laurin)) pourquoi il voulait rappeler une loi si importante, loi qui, si elle eut existé dans d'autres circonstances, eut sauvé certaines juges de l'humiliante position dans laquelle les plaça la crainte du pouvoir.<sup>296</sup>

M. LAURIN répliqua qu'il ne voulait le rappel de cette loi, l'anéantissement de cette sauve-garde de la conscience du juge et de ses libertés publiques, que parce qu'elle n'avait pas créé un tribunal pour juger les juges.<sup>297</sup>

On lui rappela que, sur un adresse des deux chambres, un juge peut être suspendu de ses fonctions, et que, dans tous les cas, ce n'était pas atteindre son objet que de rappeler une loi parce qu'elle n'était pas tout à fait complète dans sand résultat.<sup>298</sup>

M. LAURIN.--Il consentit à retirer sa mesure, sur l'engagement que prit M. Christie de remédier à l'inconvénient dont il se plaignait.<sup>299</sup>

FOOTNOTES: 29 JANUARY 1849.

1. The debate on this matter was reported by: PILOT, 31 January 1849, BRITISH WHIG, 2 February 1849, GLOBE, 7 February 1849, and BATHURST COURIER, 9 February 1849, in identical accounts.
2. PILOT, 31 January 1849.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. The debate on this matter was reported by: PILOT, 31 January 1849, BRITISH WHIG, 2 February 1849, GLOBE, 7 February 1849, and BATHURST COURIER, 9 February 1849, in identical accounts. LE JOURNAL DE QUEBEC, 1 February 1849, noted the debate.
10. PILOT, 31 January 1849.
11. IBID.
12. The debate on this matter was reported by: PILOT, 31 January 1849, HAMILTON SPECTATOR, 7 February 1849, GLOBE, 7 February 1849, BATHURST COURIER, 9 February 1849, and PACKET, 10 February 1849, in identical accounts, except that HAMILTON SPECTATOR reported three extra speeches and BATHURST COURIER omitted several speeches; BROCKVILLE RECORDER, 1 February 1849, and PRINCE EDWARD GAZETTE, 9 February 1849, acknowledged MONTREAL TRANSCRIPT as its source, in identical accounts; MONTREAL GAZETTE, 31 January 1849, and BRITISH COLONIST, 6 February 1849, in identical accounts, except that BRITISH COLONIST abbreviated and also omitted several speeches; LA MINERVE, 1 February 1849. STANSTEAD JOURNAL, 8 February 1849, noted the debate. Commentaries appeared in PILOT, 31 January 1849; MORNING CHRONICLE, 2 February 1849; L'AVENIR, 3 February 1849; NIAGARA MAIL, 7 February 1849; GLOBE, 7 February 1849; and LA MINERVE, 1 February 1849. Whenever selections from the identical accounts in PILOT and HAMILTON SPECTATOR are chosen, the HAMILTON SPECTATOR has been reproduced as it contains more speeches than the other sources. Also, the BRITISH COLONIST is used instead of the MONTREAL GAZETTE whenever possible and necessary, for the MONTREAL GAZETTE is in parts nearly illegible.
13. BROCKVILLE RECORDER, 1 February 1849.
14. MONTREAL GAZETTE, 31 January 1849.
15. HAMILTON SPECTATOR, 7 February 1849.
16. MONTREAL GAZETTE, 31 January 1849.
17. HAMILTON SPECTATOR, 7 February 1849.
18. MONTREAL GAZETTE, 31 January 1849.
19. HAMILTON SPECTATOR, 7 February 1849.
20. BROCKVILLE RECORDER, 1 February 1849.
21. IBID.
22. HAMILTON SPECTATOR, 7 February 1849.
23. MONTREAL GAZETTE, 31 January 1849.
24. HAMILTON SPECTATOR, 7 February 1849.
25. MONTREAL GAZETTE, 31 January 1849.
26. HAMILTON SPECTATOR, 7 February 1849.
27. MONTREAL GAZETTE, 31 January 1849.



28. HAMILTON SPECTATOR, 7 February 1849.
29. MONTREAL GAZETTE, 31 January 1849.
30. HAMILTON SPECTATOR, 7 February 1849.
31. BROCKVILLE RECORDER, 1 February 1849.
32. HAMILTON SPECTATOR, 7 February 1849.
33. BROCKVILLE RECORDER, 1 February 1849.
34. HAMILTON SPECTATOR, 7 February 1849.
35. MONTREAL GAZETTE, 31 January 1849.
36. HAMILTON SPECTATOR, 7 February 1849.
37. BROCKVILLE RECORDER, 1 February 1849.
38. HAMILTON SPECTATOR, 7 February 1849.
39. BROCKVILLE RECORDER, 1 February 1849.
40. HAMILTON SPECTATOR, 7 February 1849.
41. MONTREAL GAZETTE, 31 January 1849.
42. HAMILTON SPECTATOR, 7 February 1849.
43. MONTREAL GAZETTE, 31 January 1849.
44. HAMILTON SPECTATOR, 7 February 1849.
45. MONTREAL GAZETTE, 31 January 1849.
46. HAMILTON SPECTATOR, 7 February 1849.
47. MONTREAL GAZETTE, 31 January 1849.
48. HAMILTON SPECTATOR, 7 February 1849.
49. MONTREAL GAZETTE, 31 January 1849.
50. HAMILTON SPECTATOR, 7 February 1849.
51. MONTREAL GAZETTE, 31 January 1849.
52. HAMILTON SPECTATOR, 7 February 1849.
53. MONTREAL GAZETTE, 31 January 1849.
54. HAMILTON SPECTATOR, 7 February 1849.
55. MONTREAL GAZETTE, 31 January 1849.
56. HAMILTON SPECTATOR, 7 February 1849.
57. MONTREAL GAZETTE, 31 January 1849.
58. HAMILTON SPECTATOR, 7 February 1849.
59. MONTREAL GAZETTE, 31 January 1849.
60. HAMILTON SPECTATOR, 7 February 1849.
61. MONTREAL GAZETTE, 31 January 1849.
62. HAMILTON SPECTATOR, 7 February 1849.
63. MONTREAL GAZETTE, 31 January 1849.
64. HAMILTON SPECTATOR, 7 February 1849.
65. MONTREAL GAZETTE, 31 January 1849. The BROCKVILLE RECORDER, 1 February 1849, reported that Hincks rather than the Clerk read these resolutions.
66. BROCKVILLE RECORDER, 1 February 1849.
67. HAMILTON SPECTATOR, 7 February 1849.
68. MONTREAL GAZETTE, 31 January 1849.
69. HAMILTON SPECTATOR, 7 February 1849.
70. MONTREAL GAZETTE, 31 January 1849.
71. HAMILTON SPECTATOR, 7 February 1849.
72. MONTREAL GAZETTE, 31 January 1849.
73. HAMILTON SPECTATOR, 7 February 1849.
74. BRITISH COLONIST, 6 February 1849.
75. HAMILTON SPECTATOR, 7 February 1849.
76. BRITISH COLONIST, 6 February 1849.
77. BROCKVILLE RECORDER, 1 February 1849, described this as "a long and able speech."

78. MONTREAL GAZETTE, 31 January 1849.
79. HAMILTON SPECTATOR, 7 February 1849.
80. MONTREAL GAZETTE, 31 January 1849.
81. BRITISH COLONIST, 6 February 1849.
82. HAMILTON SPECTATOR, 7 February 1849.
83. BRITISH COLONIST, 6 February 1849.
84. HAMILTON SPECTATOR, 7 February 1849.
85. BRITISH COLONIST, 6 February 1849.
86. MONTREAL GAZETTE, 31 January 1849.
87. HAMILTON SPECTATOR, 7 February 1849.
88. MONTREAL GAZETTE, 13 January 1849.
89. HAMILTON SPECTATOR, 7 February 1849.
90. MONTREAL GAZETTE, 31 January 1849.
91. HAMILTON SPECTATOR, 7 February 1849.
92. MONTREAL GAZETTE, 31 January 1849.
93. BRITISH COLONIST, 6 February 1849.
94. HAMILTON SPECTATOR, 7 February 1849.
95. BRITISH COLONIST, 6 February 1849.
96. HAMILTON SPECTATOR, 7 February 1849.
97. BRITISH COLONIST, 6 February 1849.
98. HAMILTON SPECTATOR, 7 February 1849.
99. BRITISH COLONIST, 6 February 1849.
100. HAMILTON SPECTATOR, 7 February 1849.
101. BRITISH COLONIST, 6 February 1849.
102. HAMILTON SPECTATOR, 7 February 1849.
103. BRITISH COLONIST, 6 February 1849.
104. HAMILTON SPECTATOR, 7 February 1849.
105. BRITISH COLONIST, 6 February 1849.
106. HAMILTON SPECTATOR, 7 February 1849.
107. BRITISH COLONIST, 6 February 1849.
108. HAMILTON SPECTATOR, 7 February 1849.
109. BRITISH COLONIST, 6 February 1849.
110. HAMILTON SPECTATOR, 7 February 1849.
111. BRITISH COLONIST, 6 February 1849.
112. MONTREAL GAZETTE, 31 January 1849.
113. HAMILTON SPECTATOR, 7 February 1849.
114. MONTREAL GAZETTE, 31 January 1849.
115. HAMILTON SPECTATOR, 7 February 1849.
116. IBID.
117. MONTREAL GAZETTE, 31 January 1849.
118. HAMILTON SPECTATOR, 7 February 1849.
119. IBID.
120. BRITISH COLONIST, 6 February 1849.
121. HAMILTON SPECTATOR, 7 February 1849.
122. BRITISH COLONIST, 6 February 1849.
123. HAMILTON SPECTATOR, 7 February 1849. BRITISH COLONIST, 6 February 1849, gives the figures 2s. 1d. per barrel, and 3s. as average freight.
124. HAMILTON SPECTATOR, 7 February 1849.
125. BRITISH COLONIST, 6 February 1849.
126. HAMILTON SPECTATOR, 7 February 1849.
127. BRITISH COLONIST, 6 February 1849.
128. HAMILTON SPECTATOR, 7 February 1849. BRITISH COLONIST, 6 February 1849, gave the figure as 75%.



129. HAMILTON SPECTATOR, 7 February 1849. BRITISH COLONIST, 6 February 1849, gave the figures as 2s.3d.
130. BRITISH COLONIST, 6 February 1849.
131. HAMILTON SPECTATOR, 7 February 1849.
132. BRITISH COLONIST, 6 February 1849.
133. HAMILTON SPECTATOR, 7 February 1849.
134. BRITISH COLONIST, 6 February 1849.
135. HAMILTON SPECTATOR, 7 February 1849.
136. BRITISH COLONIST, 6 February 1849.
137. HAMILTON SPECTATOR, 7 February 1849.
138. BRITISH COLONIST, 6 February 1849.
139. HAMILTON SPECTATOR, 7 February 1849.
140. BRITISH COLONIST, 6 February 1849.
141. HAMILTON SPECTATOR, 7 February 1849.
142. MONTREAL GAZETTE, 31 January 1849.
143. HAMILTON SPECTATOR, 7 February 1849.
144. MONTREAL GAZETTE, 31 January 1849.
145. IBID.
146. IBID.
147. HAMILTON SPECTATOR, 7 February 1849.
148. BRITISH COLONIST, 6 February 1849.
149. HAMILTON SPECTATOR, 7 February 1849.
150. BRITISH COLONIST, 6 February 1849.
151. HAMILTON SPECTATOR, 7 February 1849.
152. BRITISH COLONIST, 6 February 1849.
153. HAMILTON SPECTATOR, 7 February 1849.
154. BRITISH COLONIST, 6 February 1849.
155. HAMILTON SPECTATOR, 7 February 1849.
156. BRITISH COLONIST, 6 February 1849.
157. HAMILTON SPECTATOR, 7 February 1849.
158. BRITISH COLONIST, 6 February 1849.
159. HAMILTON SPECTATOR, 7 February 1849.
160. BRITISH COLONIST, 6 February 1849.
161. HAMILTON SPECTATOR, 7 February 1849.
162. BRITISH COLONIST, 6 February 1849.
163. HAMILTON SPECTATOR, 7 February 1849.
164. BRITISH COLONIST, 6 February 1849.
165. HAMILTON SPECTATOR, 7 February 1849.
166. BRITISH COLONIST, 6 February 1849.
167. HAMILTON SPECTATOR, 7 February 1849.
168. BRITISH COLONIST, 6 February 1849.
169. HAMILTON SPECTATOR, 7 February 1849.
170. BRITISH COLONIST, 6 February 1849.
171. HAMILTON SPECTATOR, 7 February 1849.
172. MONTREAL GAZETTE, 31 January 1849.
173. HAMILTON SPECTATOR, 7 February 1849.
174. MONTREAL GAZETTE, 31 January 1849.
175. HAMILTON SPECTATOR, 7 February 1849.
176. MONTREAL GAZETTE, 31 January 1849.
177. HAMILTON SPECTATOR, 7 February 1849.
178. MONTREAL GAZETTE, 31 January 1849.
179. HAMILTON SPECTATOR, 7 February 1849.
180. MONTREAL GAZETTE, 31 January 1849.

181. HAMILTON SPECTATOR, 7 February 1849.
182. MONTREAL GAZETTE, 31 January 1849.
183. HAMILTON SPECTATOR, 7 February 1849.
184. MONTREAL GAZETTE, 31 January 1849.
185. HAMILTON SPECTATOR, 7 February 1849.
186. MONTREAL GAZETTE, 31 January 1849.
187. IBID.
188. HAMILTON SPECTATOR, 7 February 1849.
189. MONTREAL GAZETTE, 31 January 1849.
190. HAMILTON SPECTATOR, 7 February 1849.
191. MONTREAL GAZETTE, 31 January 1849.
192. HAMILTON SPECTATOR, 7 February 1849.
193. BRITISH COLONIST, 6 February 1849.
194. HAMILTON SPECTATOR, 7 February 1849.
195. BRITISH COLONIST, 6 February 1849.
196. HAMILTON SPECTATOR, 7 February 1849.
197. BRITISH COLONIST, 6 February 1849.
198. IBID.
199. HAMILTON SPECTATOR, 7 February 1849.
200. BRITISH COLONIST, 6 February 1849.
201. HAMILTON SPECTATOR, 7 February 1849.
202. MONTREAL GAZETTE, 31 January 1849.
203. HAMILTON SPECTATOR, 7 February 1849.
204. MONTREAL GAZETTE, 31 January 1849.
205. HAMILTON SPECTATOR, 7 February 1849.
206. MONTREAL GAZETTE, 31 January 1849.
207. HAMILTON SPECTATOR, 7 February 1849.
208. MONTREAL GAZETTE, 31 January 1849.
209. HAMILTON SPECTATOR, 7 February 1849.
210. IBID.
211. MONTREAL GAZETTE, 31 January 1849.
212. IBID.
213. IBID.
214. IBID.
215. IBID.
216. IBID.
217. IBID.
218. HAMILTON SPECTATOR, 7 February 1849.
219. MONTREAL GAZETTE, 31 January 1849.
220. IBID.
221. IBID.
222. IBID.
223. IBID.
224. HAMILTON SPECTATOR, 7 February 1849.
225. MONTREAL GAZETTE, 31 January 1849.
226. HAMILTON SPECTATOR, 7 February 1849.
227. MONTREAL GAZETTE, 31 January 1849.
228. HAMILTON SPECTATOR, 7 February 1849.
229. MONTREAL GAZETTE, 31 January 1849.
230. HAMILTON SPECTATOR, 7 February 1849.
231. MONTREAL GAZETTE, 31 January 1849.
232. HAMILTON SPECTATOR, 7 February 1849.
233. MONTREAL GAZETTE, 31 January 1849.



234. HAMILTON SPECTATOR, 7 February 1849.
235. MONTREAL GAZETTE, 31 January 1849.
236. HAMILTON SPECTATOR, 7 February 1849.
237. MONTREAL GAZETTE, 31 January 1849.
238. HAMILTON SPECTATOR, 7 February 1849.
239. MONTREAL GAZETTE, 31 January 1849.
240. HAMILTON SPECTATOR, 7 February 1849.
241. MONTREAL GAZETTE, 31 January 1849.
242. IBID.
243. IBID.
244. IBID.
245. HAMILTON SPECTATOR, 7 February 1849.
246. MONTREAL GAZETTE, 31 January 1849.
247. HAMILTON SPECTATOR, 7 February 1849.
248. IBID.
249. MONTREAL GAZETTE, 31 January 1849.
250. HAMILTON SPECTATOR, 7 February 1849.
251. MONTREAL GAZETTE, 31 January 1849.
252. HAMILTON SPECTATOR, 7 February 1849.
253. IBID.
254. MONTREAL GAZETTE, 31 January 1849.
255. HAMILTON SPECTATOR, 7 February 1849.
256. MONTREAL GAZETTE, 31 January 1849.
257. HAMILTON SPECTATOR, 7 February 1849.
258. MONTREAL GAZETTE, 31 January 1849.
259. HAMILTON SPECTATOR, 7 February 1849.
260. MONTREAL GAZETTE, 31 January 1849.
261. IBID.
262. IBID.
263. IBID.
264. IBID.
265. IBID.
266. IBID.
267. IBID.
268. HAMILTON SPECTATOR, 7 February 1849.
269. BRITISH COLONIST, 6 February 1849.
270. HAMILTON SPECTATOR, 7 February 1849.
271. BRITISH COLONIST, 6 February 1849.
272. HAMILTON SPECTATOR, 7 February 1849.
273. BRITISH COLONIST, 6 February 1849.
274. HAMILTON SPECTATOR, 7 February 1849.
275. BRITISH COLONIST, 6 February 1849.
276. HAMILTON SPECTATOR, 7 February 1849.
277. MONTREAL GAZETTE, 31 January 1849.
278. IBID.
279. IBID.
280. The debate on this matter was reported by: PILOT, 31 January 1849, MORNING CHRONICLE, 31 January 1849, BROCKVILLE RECORDER, 1 February 1849, BRITISH COLONIST, 2 February 1849, BRITISH WHIG, 2 February 1849, PROVINCIALIST, 5 February 1849, GLOBE, 7 February 1849, and BATHURST COURIER, 9 February 1849, in identical accounts.
281. PILOT, 31 January 1849.

282. The debate on this matter was reported by: LA MINERVE, 1 February 1849; LE JOURNAL DE QUEBEC, 1 February 1849; and PILOT, 31 January 1849, BRITISH WHIG, 2 February 1849, GLOBE, 7 February 1849, and BATHURST COURIER, 9 February 1849, in identical accounts.
283. PILOT, 31 January 1849.
284. LE JOURNAL DE QUEBEC, 1 February 1849.
285. The debate on this matter was reported by: LA MINERVE, 1 February 1849; LE JOURNAL DE QUEBEC, 1 February 1849; and PILOT, 31 January 1849, GLOBE, 7 February 1849, BRITISH WHIG, 2 February 1849, and BATHURST COURIER, 9 February 1849, in identical accounts.
286. LA MINERVE, 1 February 1849.
287. IBID.
288. IBID.
289. IBID.
290. PILOT, 31 January 1849.
291. LA MINERVE, 1 February 1849.
292. IBID.
293. PILOT, 31 January 1849.
294. IBID.
295. LA MINERVE, 1 February 1849.
296. LE JOURNAL DE QUEBEC, 1 February 1849.
297. IBID.
298. IBID.
299. IBID.



TUESDAY, 30 JANUARY 1849.

(45)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Smith, of Wentworth,--The Petition of the Mayor and Councillors of the Town of Brantford.

By Mr. Johnson,--The Petition of the Municipal Council of the District of Ottawa (Courts of Assize).

By Mr. DeWitt,--The Petition of J. Brazeau and others, of Ste. Martine; the Petition of John Molson, Esquire, Chairman on behalf of the Company of Proprietors of the Champlain and St. Lawrence Railroad (Dues to Harbour Commissioners).

By Mr. Taché,--The Petition of the Reverend J. B. Grenier and divers inhabitants of the Village of St. Arsène de Kakouna; the Petition of B. Dionne, Esquire, and others, of the Parish of St. George de Kakouna and St. Arsène de Kakouna, County of Rimouski; the Petition of the Mayor and Councillors of the Municipality of Rimouski; (Provincial Statues); the Petition of Alexis Gagné, of the Parish of St. Louis de Kamouraska; and the Petition of the Mayor and Councillors of the County of Rimouski (Extension of Limits).

By Mr. Egan,--The Petition of Messrs. LeMesurier, Tilstone, and Company, and others interested in the Timber Trade; the Petition of John Foran, and others engaged in the Timber Trade on the River Ottawa and its tributaries; the Petition of George B. de Boucherville, of Montreal, Esquire; and the Petition of Baxter Bowman, Esquire, and others interested in the Timber Trade.

By Mr. Marquis,--The Petition of the Reverend L. A. Bourret and divers inhabitants of the County of Kamouraska.

By Mr. Notman,--The Petition of John Burwell, of Port Burwell, in the District of London, Esquire.

By Mr. Macdonald, of Glengarry,--The Petition of the Reverend Aeneas M'Donald and others, the Catholic Clergy and Laity of the Parish of Cornwall; and the Petition of Charles Curtis Farran, of the Township of Osnabruck, County of Stormont.

By the Honorable Mr. Merritt,--The Petition of Robert Hamilton, and others, of the District of Niagara.

By Mr. Lemieux,--The Petition of F. X. Thompson.

By Mr. Laurin,--The Petition of Mrs. Louise O. Beauzet, widow of the late Z. Grenier, and wife of J. H. Martin, of the Parish of St. Rémi, District of Montreal.

(46)

By Mr. Jobin,--The Petition of Mrs. M. A. F. Viger and other Ladies, the Directresses and Officers of the Montreal Catholic Orphan Asylum.

By the Honorable Mr. Sherwood,--The Petition of John Jacques and others, of the City of Toronto and of the Home District.

Royal Assent  
to a Bill.

A Message from His Excellency the Governor General, by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod.

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance

of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Council Chamber.  
And being returned;

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's name, the Royal Assent to the following Public Bill:--

Partition of  
Lands, &c.,  
Bill.

An Act to amend and extend certain provisions of an Act to facilitate the partition of Lands, Tenements, and Hereditaments, in certain cases in Lower Canada.

Petition of  
Rev. M. St.  
Germain;  
Of the Sisters  
of the Holy Cross;  
Of L. Comte;  
Of V. P. W.  
Dorion and  
others;

Ordered, That the Petition of the Reverend Messire St. Germain, Curé of the Parish of St. Laurent, County of Montreal; the Petition of the Sisters of the Holy Cross, of the Parish of St. Laurent, County of Montreal; the Petition of Louis Comte, of the City of Montreal, Master Mason and Contractor; and the Petition of V. P. W. Dorion and others, Members of the "Institut Canadien of Montreal;" be referred to the Standing Committee on Standing Orders.

Of T. C. Lee  
and others;

Resolved, That the Petition of Thomas C. Lee and others, of the City of Quebec, and others interested in the Shipping frequenting the Port of Quebec, in

referred to a Select Committee composed of Mr. Méthot, Mr. Lemieux, Mr. Polette, Mr. Cauchon, and Mr. Egan, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of J. Clark  
and others;

Resolved, That the Petition of John Clark and others, of the City of Montreal and its vicinity, be referred to a Select Committee composed of the

Honorable Mr. Papineau, Mr. Solicitor General Drummond, Mr. Jobin, Mr. Dumas, and Mr. Mongenais, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of John Clark,  
referred.

Ordered, That the Petition of John Clark, of the Parish of Longue Pointe, in the District of Montreal, Esquire, be referred to the said

Committee.

First Report of  
Committee on  
Contingencies.

Mr. DeWitt, from the Standing Committee on Contingencies, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee beg leave to report, That having met this forenoon, for the purpose of taking into consideration the most expedient method of mailing the Letters and Correspondence of Honorable Members, in conformity with the Resolution of Your Honorable House, and that having maturely considered the subject in its various bearings, as well with respect to the convenience of Honorable Members, as to economy, are unanimously of opinion that all Letters, Correspondence, and Papers forwarded by Members and chargeable against the Contingencies of Your Honorable House, ought to pass through the office thereof.<sup>1</sup>



The Committee recommended that all letters franked by Members should pass through the hands of the Postmaster of the House. The Postmaster had promised to take in letters posted at the House, up to the same moment that they could be posted at the Office in town.<sup>2</sup>

(46)

*Mr. Dewitt moved, seconded by Mr. Christie, and the Question being put, That this House doth concur with the Committee in the said Report.*

Some hon. members ... ((complained)) of the inconvenience to which members would be put.<sup>3</sup>

On the other hand, it was contended that a vast deal of forgery and trickery would be prevented, and a vast saving to the country effected. It was stated that an immense number of letters were daily posted during the Session, the franks of which were forgeries.<sup>4</sup>

MR. H. BOULTON was prepared to prove that the abuse did exist, and<sup>5</sup> urged a recurrence to the expected English practice of limiting the number of franks allowed to each member daily.<sup>6</sup>

MR. WILSON and MR. W. SCOTT (Two Mountains) spoke in a similar way.<sup>7</sup>

MR. W. BOULTON considered it an affront to be applied to for such accommodation.<sup>8</sup>

MR. H. SHERWOOD (Toronto) condemned the abuse if existing.<sup>9</sup> ((He)) suggested that Provincial letters still be posted at the office, but that all letters to be sent out of the Province should pass through the House.<sup>10</sup> He did not mean any imputation upon the mercantile community.<sup>11</sup>

The latter was defended by MR. SOL. GEN. DRUMMOND, who denied the existence of the abuse to the extent alleged.<sup>12</sup> ((He)) denied that the citizens of Montreal were in the habit of forging franks.<sup>13</sup> Mr. D. reprimanded hon. Members for their want of chastity, in accusing respectable persons of forgery.<sup>14</sup> It was carrying old maidish prudery a little too far to say that a member was not to give a frank to a friend.<sup>15</sup>

Several other hon. members took part in the debate. MESSRS. H. SMITH (Frontenac,) H. SHERWOOD, GUGY, and PRINCE opposed the motion<sup>16</sup>.

MESSRS. ... CHRISTIE, FLINT, ... CAMERON, (Kent,) J. SMITH, (Durham,) and several other hon. members supported it.<sup>17</sup>

(46)

*The House divided:--And it was resolved in the Affirmative.*

First Report of  
Committee on  
Standing orders.

*The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the First Report of the said Committee; which was read, as followeth:--*

*Your Committee have examined the Petition of A. Rankin, Esquire, and others, for the incorporation of the Huron Copper Bay Company, and find that the Petitioners have inserted a notice of their application in the Canada Gazette for several months past; and inasmuch as the locality referred to in their Petition is beyond the limits of any District, Your Committee beg leave to recommend that the notice be deemed sufficient.*

*The Petition of Alfred Digby and others, of Brantford and other Townships, praying for the erection of the said Townships into a separate*

District, had been examined by Your Committee, and proof has been laid before them of the publication of notice of a local paper for two months and upwards; but Your Committee would respectfully submit that they do not look upon applications of this nature as coming within the 66th Rule of Your Honorable House, requiring the publication of notice.

The same remark would also apply, in the opinion of Your Committee, to the Petition of the City Council of the City of Kingston, praying for amendments to their Act of Incorporation, and the Petition of Thomas W. Lloyd and others, members of the St. George's Society of Quebec, praying for an Act of Incorporation, in none of which cases is any exclusive right or privilege desired by the Petitioners.

Huron Copper  
Bay Company Bill.

Ordered, That Mr. Prince have leave to bring in a  
Bill to incorporate the Huron Copper Bay Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Message from  
the Council.

A Message from the Legislative Council by Charles  
de Léry, Esquire one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have agreed to the Address to Her Majesty on the subject of the Navigation Laws, by filling up the blank with "Legislative Council and:" And also,

Navigation  
Laws.

The Legislative Council have passed the accompanying Address to His Excellency the Governor General General, requesting His Excellency to transmit the Joint Address to the Queen on the subject of the Navigation Laws, to Her Majesty's Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne, to which they desire the concurrence of this House.

A considerable degree<sup>18</sup> of amusement was caused ... by the attempt of the very respectable gentleman, who has long brought down the messages from the Upper House in the English language, to render a message into the French, in accordance with the new law.<sup>19</sup>

(46)

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same &c. &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council

(47)

of Canada, in Provincial Parliament assembled, beg leave to approach Your Excellency, with our respectful request that you will be pleased to transmit our Joint Address to Her Most Gracious Majesty on the subject of the Navigation Laws, in such a way as Your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

And also,



Act of Grace.

The Legislative Council have humbly accepted and passed a Bill, intituled, "An Act for the Queen's most gracious, general and free Pardon."  
And then he withdrew.

On motion of the Honorable Mr. Attorney General LaFontaine, seconded by the Honorable Mr. Attorney General Baldwin,

Act of Grace.

The engrossed Bill from the Legislative Council, intituled, "An Act for the Queen's most gracious, general and free Pardon," was once read.

And, the Bill being signed by His Excellency the Governor General, all the Members sat uncovered while it was read.

Resolved, Nemine Contradicente, That the Bill to pass.

Ordered, That the Honorable Mr. Attorney General LaFontaine do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to the same.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Attorney General Baldwin,

Navigation Laws.

Resolved, That this House doth concur in the Address of the Honorable the Legislative Council to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of the Navigation Laws, in such a way as His Excellency may deem fit, in order that it may be laid at the foot of the Throne; that the blank therein be filled up with the words "and Commons;" and that the said Address be signed by Mr. Speaker on behalf of this House.

Resolved, That a Message be sent to the Legislative Council, acquainting their Honors that this House hath agreed to the Address to His Excellency the Governor General on the subject of the Navigation Laws.

Ordered, That the Honorable Mr. Hincks do carry the said Message to the Legislative Council.

St. George's Society Bill.

Ordered, That Mr. Chauveau have leave to bring in a Bill to incorporate the St. George's Society of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Report on Petition of J. Gordon and others.

Mr. Méthot, from the Select Committee to which was referred the Petition of John Gordon and others, Stockholders in the Quebec Warehousing Company, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee having examined the contents of the Petition to them referred, concur with the Petitioners in the conclusions of their Petition, and beg leave to recommend the introduction of a Bill into Your Honorable House in conformity therewith.

Quebec Warehousing Company Bill.

Ordered, That Mr. Méthot have leave to bring in a Bill to incorporate the Quebec Warehousing Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday, the ninth day of February next.

Gaspé Fishery  
and Coal Mining  
Company.

Ordered, That the Return of an Address from the Legislative Assembly to His Excellency the Governor General, dated the twenty-third instant, relating to the Gaspé Fishery and Coal Mining Company, with the accompanying documents, laid before this House, yesterday, be printed for the use of the Members of this House.

Notarial Organization Bill.

Ordered, That Mr. Jobin have leave to bring in a Bill to amend the Act providing for the organization of the Notarial Profession in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Official Salaries Attachment Bill.

Ordered, That Mr. Jobin have leave to bring in a Bill to authorize to a certain extent the seizure and attachment of Official Salaries towards payment of the Incumbents' debts.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of the Honorable Mr. Merritt, seconded by the Honorable Mr. Price,

Productions of  
the United States.

Resolved, That this House do now resolve itself into a Committee, to enquire into the expediency of providing for the free admission of certain Articles of the growth or production of the United States into Canada, upon the like Articles the production of Canada being admitted into the markets of the United States on the same terms.

The House accordingly resolved itself into the said Committee.

Mr. Polette took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Polette reported, That the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again to-morrow.

On motion of Mr. Bouthillier, seconded by Mr. Jobin,

Circuit Courts.

Ordered, That the Clerks of the Circuit Courts in Lower Canada do, within the shortest possible delay, lay before this House, Extracts from the entries in their Courts, shewing:--

1. The number of Actions brought.
2. The number of Cases decided.
3. The number of Cases under Six pounds five shillings.
4. The amount of Fees allowed to Bailiffs, Clerks, and Advocates, during the year 1847.



Municipal  
Corporations,  
&c., (U. C.)  
Repeal Bill.

Ordered, That the Honorable Mr. Attorney General Baldwin have leave to bring in a Bill to repeal the Acts in force in Upper Canada, relative to the establishment of Local and Municipal Authorities, the regulation of Highways, the Assessment and collection of Local Taxes, and other matters of a like nature.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the thirteenth day of February next.

In giving notice of a bill to erect Municipal Corporations in Upper Canada, MR. AT. GEN. BALDWIN remarked that it would be based upon the Act of 1843 relating to the same subject, but much enlarged. Its operation was intended to be both urban and rural; to embrace every community, townships, Counties, &c.<sup>20</sup>

MR. H. SHERWOOD (Toronto) wished a sufficient time to be allowed for the Corporation of his own city to peruse and express their sentiments upon the proposed measure.<sup>21</sup>

(47)  
Municipal Cor-  
porations (U. C.)  
Consolidation Bill.

Ordered, That the Honorable Mr. Attorney General Baldwin have leave to bring in a Bill to provide by one general Law, for the erection of Municipal

(48)  
Corporations in and for the several Counties, Cities, Towns, Townships, and Villages in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the thirteenth day of February next.

Lumber Trade.

Resolved, That a Select Committee, composed of Mr. Scott, of Bytown, the Honorable Mr. Laterrière, Mr. Egan, Mr. Johnson, Mr. Bell, Mr. Lyon, Mr. Hall, Mr. Flint, and Mr. Holmes, be appointed to enquire into and report upon the state of the Lumber Trade, the causes of its present depression, the protection of the forests from unnecessary destruction, and upon all other matters affecting the Lumbering interests of this Province; to report thereon from time to time; with power to send for persons, papers and records.

Transfer of  
Real Property  
(U.C.) Bill.

Ordered, That Mr. Richards have leave to bring in a Bill to simplify the transfer to Real Property in Upper Canada, and to render certain rights and interests therein liable under execution.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twelfth day of February next.

On motion of Mr. Thompson, seconded by Mr. Smith, of Wentworth,

Boundaries of  
Dunn and other  
Townships.

Ordered, That the Entry in the Journal of this House, of 15th March, 1848, relating to the Petition of the Municipal Council of the District of Niagara, representing the desire for the confirmation of certain usages, and for certain alterations in the Boundaries of the

Townships of Dunn, Canborough, Moulton, and Sherbrooke, and praying the action of the House thereon, be now read.

And the same was read accordingly.

Resolved, That the said Entry be referred to a Select Committee composed of Mr. Thompson, Mr. Wetenhall, Mr. M'Farland, Mr. Smith, of Wentworth, and Mr. Johnson, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Christie, seconded by Mr. Prince,

Magdalen  
Islands.

Ordered, That the Entry in the Journal of this House, of 9th June, 1847, relating to the Petition of Hilaire Nadeau and others, of the Magdalen Islands, praying that measures may be adopted to secure to them the free enjoyment of the Lands they have occupied almost from time immemorial, be now read.

Ordered, That the said Entry be referred to the Select Committee to which is referred the Petition of James Cormier and others, of the Magdalen Islands.

Ordered, That the said Committee have leave to report from time to time.

On motion of Mr. M'Farland, seconded by Mr. Thompson,

Niagara and  
Detroit Rivers  
Railroad.

Ordered, That the Entry in the Journal of this House, of 26th March, 1846, relating to the extension of the Charter of the Niagara and Detroit Rivers Railroad Company, be now read.

And the same was read accordingly.

Ordered, That the said Entry be referred to the Standing Committee on Railroad and Telegraph Line Bills.

Message from  
the Council.

A Message from the Legislative Council, by John Flenning's Taylor, Esquire, one of the Masters in Chancery:--

His Excellency  
appoints to be  
attended.

Mr. Speaker,

The Legislative Council acquaint this House that His Excellency the Governor General has appointed to-morrow, at one o'clock in the afternoon, to be attended with the Addresses of both Houses on the subject of the Navigation Laws; and that the Legislative Council have ordered that such Members of the Executive Council who are Members of their House, do attend His Excellency at that time on the part of their House,

And then he withdrew.

Messengers to  
attend His Ex-  
cellency with  
an Address.

Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province, do attend His Excellency the Governor General on the part of this House, to-morrow, at one o'clock in the afternoon, with the Address of both Houses on the subject of the Navigation Laws.

Toronto Lunatic  
Asylum and  
Dr. Park.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 26th instant, praying that His Excellency would be pleased to cause to be laid before



them, all the Correspondence between the Commissioners of the Temporary Lunatic Asylum at Toronto, and the Provincial Secretary, relating to their complaints against Dr. Park, the Superintendent of the said Asylum; and also, all communications from Dr. Park to the Provincial Secretary on the subject of his complaints against the said Commissioners, and all other documents or papers in any way relating to the dismissal of Dr. Park from the situation of Superintendent of the Temporary Lunatic Asylum at Toronto; and also, copies of all Correspondence between Dr. Park and the Provincial Secretary, relating to the issuing of a Commission to examine and enquire into the causes of difference between the said Commissioners and Dr. Park, and also, a copy of the said Commissions appointing the Commissioners and Dr. Park.

Appendix (M.)

For the said Return, see Appendix (M.)

Message from  
His Excellency.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members, of the House being uncovered; and is as followeth:--

Despatches.

ELGIN AND KINCARDINE.

The Governor General transmits for the information of the Legislative Assembly, copies of the Despatches from Her Majesty's Secretary of State for the Colonies enumerated in the annexed Schedule.

Government House,

30th January, 1849.

Schedule.

Earl Grey to the Earl of Elgin.

- No. 166, 11th February, 1848--Customs' Act assented to by the Queen, with Letter from Treasury and the Board of Trade respecting it.
- No. 167, 11th February, 1848--Ditto, with Memorial from certain Iron Founders.
- No. 175, 6th March, 1848--Ditto, with Memorial from certain Glasgow Merchants.
- No. 186, 31st March, 1848--Ditto, views of Her Majesty's Government.
- No. 252, 7th July, 1848--Respecting the Canada Act to extend Copyright to persons resident in the United Kingdom.

(49)

- No. 299, 17th November, 1848--Halifax and Quebec Railroad--Transmitting Report of Commissioners, and desiring to be informed of the views of the Provincial Legislature.
- Military, 15th September, and 22nd December, 1848--Respecting the necessity of exempting from Duty, articles imported for the Military service.
- No. 174, 24th February 1848--Respecting the Montreal and Lachine and the St. Lawrence and Industry Railway Acts.
- No. 202, 20th April, 1848--Enclosing Order of the Queen in Council conforming seven reserved Railway Bills of 1847, and pointing out amendments required.
- No. 206, 29th April, 1848--Reporting the confirmation to certain Acts, and suggesting amendments to the Acts for incorporating the Montreal and Echo Lake Mining Companies.
- No. 231, 15th June, 1848--Suggesting amendments to the Act incorporating the Western Telegraph Company.

Appendix (N.)

For the Despatches accompanying the said Message, see Appendix (N).

Ordered, That the said Message, with the accompanying Despatches, be printed for the use of the Members of this House.

Oxford Election.

The Order of the day for taking into further consideration the case of John George Vansittart, Esquire, Returning Officer at the last General Election for the County of Oxford, being read;

And the House being informed that Mr. Edmund Deedes, a witness on the part of Mr. Vansittart, attended at the door; he was called in; and, at the Bar, examined, as followeth:--<sup>22</sup>

By Colonel Prince.

In the absence of Sir Allan MacNab from indisposition.<sup>23</sup>

61. You are, I believe, Edmund Deedes, Esquire, of Woodstock, in the County of Oxford, in Upper Canada; were you present at the nomination of the Oxford Election on the 28th December, 1847?--I am. I was present at the Oxford Election at that time.

62. Were you on or near the hustings when Mr. Hincks' qualification was demanded?--I was on the hustings.

63. Were you near the Returning Officer on that occasion; if so, at what distance were you from him?--I was standing next to him.

64. Are you acquainted with Mr. George Brown, of Toronto, and was he present on that occasion?--I am acquainted with him, and he was present on that occasion.

65. At what distance was he from the Returning Officer?--As near as I can remember, about three yards.

66. Did Mr. Brown appear there as the representative of the Honorable Francis Hincks?--He said so.

67. Did you remain on the hustings during the proceedings of that day, and were you in a position to hear what was said by, or addressed to, the Returning Officer?--I did remain on the hustings during the whole proceedings of that day, and was in a position to hear what was said by, or addressed to, the Returning Officer.

68. By whom was the qualification of the Honorable Francis Hincks submitted to the Returning Officer?--By Mr. George Brown.

69. Did the Returning Officer on receiving the said qualification, or at any time subsequently, hold a conversation with Mr. Brown in relation to the said qualification?--He did.

70. Did the Returning Officer on that occasion, in answer to an observation of Mr. Brown's, make use of the following words: "At any rate I have decided it in your favor. I shall hold Mr. Hincks' qualification to be good for the present occasion," and add, "that he would leave the other parties to have a decision elsewhere," or words to that effect?--No, he did not make sure an answer.

71. Had Mr. Vansittart made use of such expressions as those referred to in the last Question, would you have heard him; and do you believe it possible he could have used such language on that occasion without your hearing it?--If he had made use of such expressions as those referred to in the last Question, I should have heard him; and, being so close to him, I do not believe it possible he could have used such language without



my hearing it.

72. Did Mr. Brown conduct himself in a violent manner on that occasion, and did he use insulting language to the Returning Officer?--Mr. Brown was occasionally rather violent in his manner, but I do not remember that he used insulting language to the Returning Officer on the hustings on the day of nomination.

73. Were you present when the show of hands was asked for by the Returning Officer?-- I was.

74. Did the Returning Officer declare the Honorable Francis Hincks duly elected by show of hands, or did he declare the majority in favor of the Honorable Francis Hincks?--The Returning Officer declared the majority in favor of the Honorable Francis Hincks, but did not declare him duly elected.

75. Were you present when the Election was declared on the 5th January 1848; and were you in a position to hear any of the proceedings of that day?--I was present on that occasion, and was close by the hustings, where I could hear most of the proceedings of that day.

76. Did Mr. George Brown address the persons there assembled after the Election was declared?--He did.

77. Did Mr. Brown then and there state, that Mr. Vansittart, had told him he acted under the advice of the Honorable John Hillyard Cameron?--Mr. Brown did state, then and there, that Mr. Vansittart had told him that he had acted under the advice of the Honorable John Hillyard Cameron.

78. Was it not in reply to that statement, that Mr. Vansittart said, "that is not true?"--It was in reply to that statement that Mr. Vansittart said, "that is not true."

79. Did Mr. Brown, in commenting on this subject, state that he had heard that Mr. Vansittart acted under the advice of the Honorable John Hillyard Cameron?--No, he did not make the statement that he had heard that Mr. Vansittart acted under the advice of the Honorable John Hillyard Cameron, but he said that he, Mr. Vansittart, had told him that he had acted under the advice of the Honorable John Hillyard Cameron.

80. Did Mr. Brown, on the occasion referred to, make use of insulting and intemperate language in relation to the Returning Officer?--He did make use on that occasion, of insulting and intemperate language in relation to the Returning Officer.

81. Did the Returning Officer threaten to commit him if he persisted in the use of such expression?--He did.

By the Honorable Mr. Hincks.

82. Were you, or are you still, President of the Constitutional Association of the District of Brock?--I was President of the Constitutional Association of the District of Brock, but am not at present.

83. Were you Chairman of a Public Dinner given to Mr. Vansittart after his return from Montreal last spring?--I was.

(50)

84. Did the discussion regarding Mr. Hincks' qualification take place before or after the demand for the show of hands in favor of the candidates?--It took place before the demand for a show of hands.

85. You stated that Mr. Brown made use of insulting and intemperate language; can you state what language Mr. Brown made use of?--I cannot state at this distance of time the express words used by Mr. Brown; but I remember stating at the time to a gentleman standing near me, that

if he used such insulting language towards me, in my official capacity as Returning Officer, I should certainly have committed him.

86. Did not the conduct of the Returning Officer excite very general indignation among the people assembled at the hustings?--It did with a great many persons present.

87. Did not Mr. Brown exert himself to allay the excitement which prevailed among the people?--I believe he did.

88. Did you act as agent for Mr. Carroll at the polling place in West Oxford?--I did not.

89. Are you acquainted with Mr. Farmer, Mr. Fauquier, and Mr. Thomas, who acted as Deputy Returning Officers; if so, can you state to what political party they belong?--I am acquainted with Mr. Farmer, Mr. Fauquier, and Mr. Thomas, who acted as Deputy Returning Officers. I believe they are Conservatives in politics--all three of them.

By Mr. Smith, of Durham.

90. Are you the gentleman who forwarded a Memorial to this House on the subject of the late Return for the County of Oxford, and are you also a signer of the Petition of "Edmund Deedes and others," presented to this House during the last Session, on that subject?--I am the same person.

By the Honorable Mr. Baldwin.

91. When prior to the show of hands the question arose as to the sufficiency of Mr. Hincks' qualification, did Mr. Vansittart state that he had taken legal advice on that point; or, are you aware, either from his own statement or otherwise, whether he had then taken such advice?--Prior to the show of hands, Mr. Vansittart never stated to me that he had taken legal advice as to the sufficiency of Mr. Hincks' qualification, and I am not aware, either from himself or otherwise, whether he had or not taken such advice. Mr. Vansittart never stated any thing as to taking legal advice, that I am aware of, either to myself or any other person.

By Mr. Notman.

92. Was there any discussion as to the sufficiency of the qualification, after the show of hands?--Not that I am aware of on that day.

By Mr. Smith, of Durham.

93. Upon what particular facts or returns did you trace the last paragraph contained in the Petition signed by yourself and others, to this House, with reference to the return in question; look at the said paragraph, and answer?--Previous to the return day, Mr. Vansittart, in conversation with me, stated that he felt, as far as his own interest was concerned, that he was placed in a critical position, for he really believed that if he did his duty conscientiously he should be injuring his own interest, as well as the interest of the Conservative cause, by making the return he thought it his duty to do; for he was perfectly aware, from the returns already made, that the majority of the House would be Reformers; but that, at any rate, as soon as he had completed his decision, he should do what he would consider his duty at all risks.

By Mr. Notman.

94. Was any intimation given to the electors by Mr. Vansittart, that Mr. Hincks' election might or might not be declared eligible by him as Returning Officer, on the declaration day?--I do not know of any such intimation being given by Mr. Vansittart.--I did not hear any?



95. Was it not generally known and believed that the three candidates, Mr. Hincks, Mr. Carroll, and Mr. Campbell, were fairly before the electors, without legal objection to any of them?--The qualifications of all these gentlemen were objected to on the nomination day; and a protest against Mr. Hincks' qualification was placed up in each polling place before the polling commenced; and votes were taken, as I understood, by the Deputy Returning Officers subject to such protest. The said protest was put up by Mr. Carroll.

96. Did Mr. Vansittart direct that step to be taken?--He did not, that I am aware of.

97. Was it not known, that in the event of Mr. Hincks being rejected as a candidate, that the party who supported Mr. Hincks would have nominated another candidate in his place?--I never heard till after the Election, that Mr. Hincks' party proposed to nominate another candidate in the event of Mr. Hincks being rejected.

98. At what time did Mr. Vansittart inform you that he had made up his mind to return Mr. Carroll, and not Mr. Hincks?--Mr. Vansittart never informed me at any time that he had made up his mind to return Mr. Carroll, and not Mr. Hincks; and I did not know it till Mr. Vansittart made the return on the hustings.

99. Was it not generally expected before the polling commenced, by the Conservative party, that Mr. Carroll would stand at the head of the poll; and were they not greatly surprised at the result?--I do not think that it was generally expected by the Conservative party that Mr. Carroll would stand at the head of the Poll; most of my friends, as well as myself, thought he had a very poor chance.

And then he was directed to withdraw.

And the House being informed that Mr. Daniel Gilbert Miller, also a witness on the part of Mr. Vansittart, attended at the door; he was called in; and, at the Bar examined, as followeth:--

By Sir Allan N. MacNab.<sup>24</sup>

100. Is your name Daniel Gilbert Miller, and are you a resident of Woodstock, in the Brock District?--That is my name, and I reside there.

101. Were you present at the Election for Oxford in the month of December, 1847?--No, I was not.

102. Had you an interview with Mr. George Brown, of Toronto, about the time of the said Election, or shortly after?--I had an interview with Mr. Brown at Hamilton, where I met him as he was returning from that Election.

103. Are you aware that Mr. George Brown acted as the agent of the Honorable Francis Hincks at the said Election?--Mr. Brown informed me that he had acted as agent for Mr. Hincks at that Election.

104. Did Mr. Brown allude to the circumstances which had transpired at the said Election?--Mr. Brown informed me of all the proceedings that had taken place at the Election.

105. Did Mr. Brown make any comments on the conduct of Mr. John George Vansittart, the Returning Officer?--In answer to a question which I addressed to him, and after some observation upon the points of law which arose at that Election, Mr. Brown stated to me, that he believed that Mr. Vansittart had acted according to the best of his judgement, but that he had been misled by Mr. John Hillyard Cameron.

106. Did Mr. Brown, on the occasion last referred to, complain that Mr. Vansittart had misled the friends of the Honorable Francis Hincks on the day of nomination, by expressing his intention of leaving the question

of qualification to be decided elsewhere, and then subsequently deciding

(51)

for himself?--Mr. Brown did not make a complaint of that kind, nor did he state that Mr. Vansittart had expressed his intention of leaving the question of qualification to be decided elsewhere.

By Mr. Notman.

107. What persons were present when the conversation with Mr. Brown you alluded to took place; and where, and in what place in Hamilton did it take place?--The conversation took place at Weekes' Hotel in Hamilton. It was on the night on which the Election for the County of Wentworth had closed, and a great number of persons were present; but I cannot remember that I was acquainted with any person who was present during the whole of the conversation.

108. Did you understand Mr. Brown to exculpate Mr. Vansittart, and throw the entire blame on Mr. Cameron?--At the time this conversation took place, Mr. Cameron was a member of the then Administration, and I understood Mr. Brown to attribute the result of that Election entirely to the influence which his advice, as a legal adviser of the Crown and a member of the Government, had upon Mr. Vansittart.

109. Did you act against Mr. Hincks in any manner, or for Mr. Carroll or Mr. Campbell, during or before the last Election; and do you, or do you not, belong to the Conservative party?--I had never seen Mr. Carroll or Mr. Campbell until some time after this Election took place, and I never acted directly or indirectly in any manner with that Election; and I do belong to the Conservative party.

110. At what time, and how long after, did you communicate the conversation you had with Mr. Brown to Mr. Vansittart?--I communicated this conversation to Mr. Vansittart some time after his return from Montreal, after the last Session of Parliament, and after I had understood that he had been charged with corrupt motives at that Election.

And then he was directed to withdraw.

MR. NOTMAN moved the postponement of the further consideration of this question until to-morrow, in order that Members might have an opportunity of carefully persuing the evidence referred to last. He might probably produce further testimony to-morrow, to which Mr. Vansittart might desire an opportunity of replying.<sup>25</sup>

COL. PRINCE intimated that, Mr. V. had no more witnesses to produce, but would beg the House to bear some observations from that gentleman upon the evidence.<sup>26</sup>

(51)

Mr. Vansittart then addressed the House,

MR. VANSITTART then rose and addressed the House. The testimony, he said, which he had been able to bring forward on the point at issue, affecting his character, and connected with the last contested election for the County of Oxford had been heard by the House and he would beg to assure them that were it not for the vast expense attending the transportation of witnesses so great a distance, he would have made it so much more simply; but he still trusted it would prove sufficient to pardon his character from so serious an impeachment as he understood was threatened at their last session.<sup>27</sup> It had been wished, he thought, by some hon. members, to prejudice the minds of others against the witnesses he had brought forward



in his defence. He would state his reasons for bringing forward those witnesses.<sup>28</sup> He would state a few words why he had chosen these gentlemen. In the first place, he had selected Colonel Whitehead because he found that he had been standing close to him upon the hustings, and had taken notes of what had occurred. He (Mr. V.) considered it most important to sustain the evidence he had given on a former occasion, and he thought that those notes would have been admitted by the House, as the best evidence which could have been produced,<sup>29</sup> and which would go to affect the testimony which had been given by Mr. George Brown at the last Session of Parliament.<sup>30</sup> He could only say that his ignorance on this point ought to be received by the House as an indication of his want of knowledge of the proceedings of the House, and trusted it would be borne in mind as evidence that he had not studied to make up his case. He considered it to be a perfectly simple one<sup>31</sup>; he had acted in a simple, straight-forward manner<sup>32</sup>, and he thought that all he had to do, was to rebut the evidence of Mr. Brown,<sup>33</sup> respecting his conduct as Returning Officer<sup>34</sup>, where it did not agree with his own, and that the discrepancy between them, natural upon an occasion of this kind, ought not to be held as making against him. One portion of the sentence had been already passed upon him, and he had been declared guilty of a high misdemeanour, and a breach of the privileges of that honourable house, and as having acted in violation of all law in the case.<sup>35</sup> This he never had the smallest intention of doing; and if they now decided that he was really guilty of this act, however much he would regret the decision, yet to that decision he would bow.<sup>36</sup> He regretted that the view he had adopted in the matter, should have led that House, to condemn him for the course of action consequent upon it. He had been made aware that another sentence was hanging over his head, that he had acted corruptly, at variance with honesty and integrity, and that another resolution was to be proposed declaring him heretofore unworthy of all trust or confidence for the future.<sup>37</sup> If such was the case, he would certainly never again expect to be trusted by any body of men in the country; and if such would be the decision of the House, it would be dishonouring to him.<sup>38</sup> He deprecated such a sentence, performed by the highest tribunal known a free country, and regarded it as the severest sentence that could be pronounced against him.<sup>39</sup> Before they came to such a decision, however, he would call upon the hon. members to pause before they passed such a severe sentence.<sup>40</sup> He would rather be stripped of all he possessed, reduced to<sup>41</sup> a state of penury and want<sup>42</sup> and sentenced to be confined in goal, than that a stain should cast upon a name which he had received and endeavoured to maintain unsullied.<sup>43</sup> To rebut these charges he had been at considerable expense;<sup>44</sup> he had undertaken a journey<sup>45</sup> of nearly 300 miles<sup>46</sup> himself, and brought evidence a thousand miles, not<sup>47</sup> to show that Mr. Brown had stated what was erroneous, as to show that what he had stated was at least susceptible to doubt.<sup>48</sup> But it ought to be considered that in the confusion and excitement of the occasion a good deal might be misstated, and more misunderstood. He appealed confidently to members of that House, whether a misinterpretation of circumstances or a misapprehension of words was not of frequent occurrence upon such occasions. He had enquired who stood near him on the day of nomination, and had asked whether his words could bear the construction put upon them by Mr. Brown. He found that Col. Whitehead had placed himself near him upon the hustings, and as it was natural that he should take a more lively interest in the proceedings from the fact of his having been put forward as a candidate at the election, and having no very friendly feeling towards any gentleman in the field, he,

(Mr. V.) was satisfied that his testimony would be accurate, and from his taking notes<sup>49</sup> of all important matters connected with the country where he resided<sup>50</sup>, a practice as he (Mr. V.) subsequently ascertained was his habit on public occasions, he supposed that his, (Col. W.'s), evidence would afford incontestable proof of the words he had made use of. He thought that those words written down at the desk as they had been by Col. Whitehead would, in a Court of Honor as this House was, and sitting upon a point of honor, have had every consideration. In this, however, it had proved to be of a contrary effect; but he trusted that hon. Gentlemen would not regard the testimony as the more defective, on account of the character he supposed them to possess. In the cross examination a point seemed to be attempted to be made, because he (Mr. V.) had appointed Col. Whitehead Deputy Returning Officer for the Township of Bedford, in place of Mr. Ward<sup>51</sup> whom he (Mr. Vansittart) had promised to appoint. ... He had written to Mr. Ward for the purpose of ascertaining if he would act as a Deputy Returning Officer in case he might be placed in a position as to require his services, and to ask him some questions respecting the county, as his own knowledge of the county was extremely limited, arising from his being unable to attend much to public matters on account of the state of his health.<sup>52</sup> But ... he (Mr. Vansittart) did not know what Mr. Ward's political opinions were, nor for whom he afterwards voted, nor was he (Mr. V.) careful to enquire, because he was satisfied from all he had ever heard, that he was a man of honor and integrity. Here Mr. V. explained that he knew less of the country than many who had lived the same length of time in it, in consequence of ill health; and his idea that his official position precluded his mixing in such public affairs, he requested only a verbal answer from Mr. Ward, but that gentleman had fortunately replied in writing in a note which he begged leave to read. It showed that so far from appointing him Returning Officer, that he merely asked him if he was willing to act, and if he was, a verbal answer would be sufficient to his note. (Here Mr. Vansittart read Mr. Ward's reply.)<sup>53</sup>

(51)

and produced the following Documents in support of his defence:--

Claremont, Burford Township,

December 15th, 1847.

Dear Sir,--Your favor by Mr. Fauquier, was received by me while engaged in magisterial business: and as the bearer assured me that a verbal assent would be sufficient, I did not delay him to write an answer; but if you should receive this in time, I should be happy to know if you have particular form for the Poll Books, as there does not appear to be any laid down in the Statute regulating Elections; as also, if you are aware of the precise state of the Law regarding Aliens, and in the event of your deeming it expedient to entrust me with the conduct of the ensuing Election to be held in this Township, any information regarding mode or manner of taking the votes would, if supplied by you, be deemed a favor.

I remain, your obedient servant,

GEO. G. WARD.

P. S.--As the appointment of "Poll Clerks" is vested in the Returning Officers, and as I am not aware of the extent of your local knowledge of parties in this Township, I have taken the liberty of forwarding some names of persons who would be competent to fulfil the duties of that office:  
W. D. Bowen, John Cotton, Willard M. Whitehead.



That letter would show even friends of the hon. member for Oxford, or one in whom he had himself expressed confidence for the post of Deputy Returning Officer, solicited some advice on the subject of aliens (sic), though that advice seemed now to call down much reprehension.--The letter must also convince gentlemen that his note to Mr. Ward was not an appointment but merely an enquiry if he would act as Returning Officer. Mr. Ward he (Mr. V.) afterwards understood voted for the Present Member for Oxford. Mr. Ward's postscript, suggesting names of persons qualified to act as Poll Clerks, would also help to show how limited was Mr. V's knowledge of the County. Mr. VANSITTART then offered some remarks on the difference, which had on cross-examination, appeared between Col. Whitehead and himself respecting aliens. When evidence was not previously prepared, it was not surprising that the same circumstances came to be indistinctly remembered. But after his return to his Hotel, he (Mr. V.) had explained his ideas on the question of aliens, showing that those who had come into the country after 1800 might vote upon a candidate from the Registrar of the County at any time before rendering their votes. But that Col. Whitehead was of opinion that Registrars were not entitled to administer the oath after the expiry of the Act of 1840. His opinions, therefore, with respect to aliens, were much more liberal than those of Col. Whitehead, and the Gazette alluded to by Mr. Brown in his evidence of last Session, as having reached Woodstock on the first day of polling and on which Mr. Brown called upon him, (Mr. V.), to send first instructions to his Deputies, merely extended the operation of the act of 1840, thereby precisely confirming the instructions already given. Another point in Col. Whitehead's cross-examination was, whether the Poll Books were marked with the name of the hon. Member for Oxford on them. Last year when he was arraigned at the bar, he had told them that he had a proof sheet prepared, with three columns, intending it to be filled with three names, but he did not give any positive instructions. He had in his hands a statement under oath, from his Poll Clerk upon that point, which he would beg leave to read. (Here Mr. Vansittart read the document.)<sup>54</sup>

(52)

To Félix Fortier, Esquire.

&c. &c. &c.

Canada,

District of Brock, to Wit:

Richard Foquett, of the Town of Woodstock, in the District of Brock, gentleman, maketh oath, and saith, that he was present at the General Election for the County of Oxford, on the 28th of December, 1847; that he acted as Clerk for the Returning Officer, John George Vansittart, Esquire, on that occasion; that he was present as such Clerk on the day of nomination, and remembers distinctly the circumstances connected with that Election. This Deponent further saith that on that occasion, the Honorable Francis Hincks, Peter Carrol, and Robert H. Campbell, Esquires, were respectively nominated as Candidates at the said Election; that a show of hands was called for, and decided by the Returning Officer in favor of the Honorable Francis Hincks; the qualification of each candidate was severally demanded and given, and protests against such qualifications respectively handed in. As regards the protest against the qualification of the Honorable Francis Hincks, this deponent recollects that the Returning Officer remarked, on the day of the nomination, that he would take time to decide upon it. On the following day George Brown, Esquire, agent for Mr. Hincks, called upon

Mr. Vanisttart to decide then upon Mr. Hincks' qualification, to which Mr. Vansittart replied that he required further time to give his opinion as to its legality. Mr. Brown pressed him for a decision then; Mr. Vansittart answered that he would take further time, and Mr. Brown appeared to be annoyed because Mr. Vansittart would not decide it then. This Deponent hath read the answer of Mr. Brown to the third Interrogatory before the Legislative Assembly at its first Session, wherein Mr. Brown states that Mr. Vansittart said to him, as agent for Mr. Hincks, "at any rate I have decided the point in your favor; I shall hold Mr. Hincks' qualification to be good for the present occasion, and that he would leave the other parties to have a decision elsewhere;" this Deponent saith that both on the day of nomination and on the day following, when the interview took place between Mr. Brown and Mr. Vansittart, the latter distinctly stated that he would take time to decide upon the legality of Mr. Hincks' qualification, and that he required further time to form his opinion on the subject, and that on neither occasion did Mr. Vansittart say that he would leave it to be decided elsewhere; on the contrary, Mr. Brown pressed him to decide it then, and he did not object to deciding it himself, but only required time to mature his opinion on this point.

And this Deponent further saith, that the Poll Books were made out, and the names of the candidates inserted by this Deponent, without any specific directions from Mr. Vansittart, but from what he, this Deponent, considered was the existing arrangements, but the three persons before mentioned were Candidates.

RICHARD FOQUETT.

Sworn before me, at Woodstock,  
the 15th January, 1849.  
James Ingersoll, J. P.  
and Commissioner of Bankrupts  
in and for the Brock District.

I hereby certify that Richard Foquett, Esquire, in above Affidavit mentioned, is Clerk of the District Court of the District of Brock, and that the duties of his office require his constant attendance.

D. S. M'QUEEN,  
Judge District Court of the  
District of Brock.

Woodstock, January 16th, 1849.

The former part of that document Mr. V. said he would remark upon presently, but it appeared to him (Mr. V.) that the testimony he had just read, referring to the names on the Poll Books, would bear out that which he had himself stated to the House at its last Session, and trusted that it would be favorably received by the House.--It appeared, too, that it had been made a matter of some importance, that the Deputy Returning Officers he had appointed were all opponents of the present Member for Oxford. On this point he did not hesitate to avow the principle on which he acted. He considered it as the prerogative of the Government of the day to appoint persons as Returning Officers, in whom they had confidence that the interests of the Government would not likely to suffer, and who would be likely to act in the spirit of the instructions which the Government might send him. He doubted whether any Government would be at all inclined to name one from whom hostility was to be expected.<sup>55</sup> This he believed to be the practice with all Governments, which he did not think the hon.



members would deny.<sup>56</sup> He, therefore, followed out in his appointment of Deputies, the same principle as that on which he believed he himself had been named, and to select them from the same party to which he himself belonged. But it was due to himself to select only such gentlemen as he believed to be qualified by education, character, and honor, and on whose impartiality he could confidently rely.<sup>57</sup> Were the appointments he had made to be analysed, he felt assured the gentlemen appointed would be found equal to any gentlemen in the country.<sup>58</sup> One of them, Mr. Farner,<sup>59</sup> of East Zorra, was a gentleman who had been brought up to the legal profession in England, and whom he, therefore, considered well qualified for the office. In this he had not been mistaken, for he believed that that gentleman had been in the most honorable manner complimented, and had received a vote of thanks from the supporters of the hon. member for Oxford, for his conduct. Col. Whitehead, another of the Deputies, had previously acted as Returning Officer, had been Chairman of Quarter Sessions, and Warden of the District, and was one of the oldest and most respectable magistrates in that country. For these reasons, he had appointed him, and no other; and he would have appointed him, in the first place at once, had it not been for the rumored probability of his being in the field as a candidate; nor did he think that he was at all compromised with Mr. Ward. He had not the honour of knowing much about Mr. Ward personally, farther than that he was a gentleman of high respectability. So little did he know of his political opinions, that he supposed he had voted for Mr. Campbell, and it was only from his own lips that he (Mr. Vansittart) had learned that he had voted for Mr. Hincks. When in speaking of instructions relative to aliens, Mr. Brown had called his attention to a notice in the Gazette, he did not consider it necessary to explain himself to Mr. Brown on that point, and he felt the less inclination to do so from the dictatorial manner that gentleman had assumed towards him--a manner which he considered out of character with the different positions in which they were placed.--And, besides, he did not consider that the instructions had any bearing upon this point. With respect to the evidence given by Mr. Deeds, he hoped that the House would not consider that his presence at the dinner alluded to in one of the questions put to him tended to vitiate his evidence. The dinner was got up by his friends and neighbors, as an expression of their continued confidence in his integrity as a man, not for any purpose of reflecting upon that Honorable House.<sup>60</sup> Had it been otherwise, he would not have given his sanction to it.<sup>61</sup> The House, therefore, ought to consider his (Mr. Deeds) coming forward, on the occasion of that dinner, arose from his intimate knowledge of the facts of the case, and that Mr. Deeds was desirous of testifying publicly to the uprightness of his (Mr. V.'s) conduct; and for the same reason he (Mr. V.) was induced to bring him before the House as a witness. His neighbours had come forward to bear testimony to his character, and he felt sure that in doing so they might separate their intention from any decision on his political conduct. It was to express their opinion that he still possessed an honest name, and to do away with imputations which had been made against it, and which it was cruel to bear.--The day before the nomination, Mr. Brown called upon him, and asked for liberty to be present, in which he concurred. When Mr. Brown rose to address the people, on behalf of Mr. Hincks, there was a great tumult among the friends of the other two candidates; and he (Mr. V.) used all his influence to obtain him a hearing, although it was supposed by the meeting that he intended

to speak against time (sic). He was bound, however, in justice to himself, to state, that although Mr. Brown endeavoured to allay an excitement near the hustings on the declaration day, yet, when he (Mr. V.) wished to obtain a hearing, Mr. Brown had refused to use any influence with his party to cease from the interruption. Again, it was asked how a minority came to be anticipated for the Conservatives. He could say that it was known by telegraph and otherwise that some Conservative constituencies had gone for the Reformers and it was expected to be about a tie in Upper Canada. And with respect to Lower Canada, no person acquainted with affairs there could doubt as to the majority being against the Government. Enquiries had also been made whether he had raised objection to any of the candidates. He could say that he had not. He supposed that if he had done so, it might have prejudiced the interests of the candidates objected to; and he thought he would be treating them all badly by allowing the polling to go on. He had certainly declined giving a decision as to Mr. Hincks' qualification on the hustings, because he considered it a subject fraught with difficulty, and he would explain to the House the train of reasoning which led him to adopt that course. In the first place, he had been made aware that Mr. Hincks had returned from England, and as a difficulty existed, with respect to his qualification, being absent, he supposed that difficulty at rest, and taking it for granted that if that honorable gentleman were, not himself present, at least a qualification would be provided at a recent date, and in due form. He could form no other conclusion. No one could say that in that point he was wrong. He, therefore, resolved to postpone the discussion for the present, confidently expecting that a qualification of more recent date would reach him before going to Poll, up to which time, as he (Mr. V.) understood the law, and the candidate was authorised to renew or amend his qualification; and he considered that if his decision had been given on the hustings, he would have been depriving the candidate of a privilege which he (Mr. V.) believed the law allowed him. He looked over the Act regulating the qualification of candidates, and it did certainly appear to him that no gentleman could address a constituency as a candidate when no constituency was open, and that no qualification, therefore, prior to a dissolution, could be made to apply. Such was his opinion. The House had declared him to have been in error, and to its decision he humbly bowed. In the discussion in which he found himself, he had sought for advice from the legal advisers of the Crown, whom he thought had a right to consult in such a matter. He accordingly wrote to the Attorney General<sup>62</sup> asking for counsel in the matter<sup>63</sup>, and to the Solicitor General, but received no reply. He then heard that the Solicitor General was to pass this neighbourhood on his way to Kent, and he made it a point to wait upon him, to ascertain his opinion. That opinion<sup>64</sup> he was happy to say,<sup>65</sup> entirely confirmed his own. He considered that if he had decided on the day of nomination as to Mr. Hinck's qualification, he would have acted hastily, more especially as he expected that gentleman to supply a qualification to him, concerning which no doubt could be raised, and he looked confidently for it up to the hour of the declaration<sup>66</sup> as he was aware the qualification could be made an hour before the nomination<sup>67</sup>. He did not mention those things now for any other purpose than to show the reasons for the course he had taken. The House had said he was wrong, and it was his duty to submit. Such, however, had been the train of reasoning in his mind, and if fallacious, no one could pronounce them



corrupt. It was his object to prove to that honorable House, and to the world that he had acted from an honest motive, and not from any hostile spirit towards any of the Candidates at the election. And, whatever difference there might be between Mr. Brown and himself, as to words used, he was convinced the House would set it down to a misunderstanding to which a moment of excitement might give occasion. And if he had said, that he would refer the decision elsewhere, and afterwards taken upon himself to decide it, he should have afforded grounds for the imputation of duplicity, and well merited such censure from the House; and he could assure the House, that in finally making up his judgement, he had been impelled by his own convictions of duty, uninfluenced by any outward circumstances. The only doubt in his mind, was whether he was bound to act in a judicial or administrative capacity only; he believed the former. Had he not been acting in a judicial capacity, he would have taken the votes as they appeared, but as his opinion stood his duty was plain. He considered it incumbent upon him, as an honest man, to take the course his convictions pointed out, and that no other was open to him. The affidavit of the election clerk established that the point had not been decided; and Mr. Brown himself, by calling upon him next day after the nomination, to ask if he was ready to give his decision, proved that he (Mr. B.) as well as himself, perfectly understood that the point had been reserved. The only other point to which he thought it necessary to allude, was the charge of inconsistency and dishonesty which had been brought against him for not stating his objection on the hustings on the return day. It had been stated that he did not explain himself explicitly on the point. But to rebut that he would quote a paragraph from his letter to the Clerk of the Crown in Chancery accompanying his return, in which he repeated the words which he had used on the hustings and of which he had made a memorandum immediately after he had closed the proceedings. They were as follows:--

I accordingly declared the result of the Election in the following words:--

I declare the votes given for the Honourable Francis Hincks thrown away, and that he is ineligible in consequence of his qualification having been sworn to before the writ of summons issued; and also, because it was not shown that he was incapacitated by sickness, or any other unavoidable cause from attending in person at the day of nomination, to make oath of declaration of qualification as demanded.<sup>68</sup>

(52)

Copy.

Woodstock, 17th January, 1848.

Sir,--I have the honor herewith to forward to you the Poll Books of the twelve Townships composing the County of Oxford, also the qualification Oaths of each of the three candidates who presented themselves at the day of nomination, viz.: the Honorable Francis Hincks, Peter Carroll, Esquire, and Robert H. Campbell, Esquire, together with three protests which were handed to me against them respectively. In addition to this, Mr. Carroll exhibited another qualification Oath at each of the various Township Polling places, and likewise a fresh protest against the qualification Oath of the Honorable Francis Hincks, which I was informed by the Deputy Returning Officers were posted conspicuously before any votes were taken on the first day of polling--which Documents I transmit attached to the original Poll Books. After carefully considering all these different

qualification of the Honorable Francis Hincks was of itself not in accordance with the Statute, because made before he could be recognized as a candidate; and further, it appeared to me that I could not legally receive such qualification, because no unavoidable cause--indeed no cause at all--was shewn for his absence at the day of nomination, as the Statute demands. I would also mention, that Mr. Hincks' agent presented to me shortly before proceeding to the hustings to make declaration of the Poll, another paper, signed by the Honorable Francis Hincks, being a fresh declaration of qualification, but not sworn to, and not specifying the property; this I held to be useless, both as being too late, and as being incomplete, and I therefore declined receiving it, and felt it imperative on me to pass over that gentleman altogether, and to declare Peter Carroll, Esquire, duly returned as possessing the largest number of legal votes. The general Poll at its close being--

For Mr. Carroll....478

For Mr. Campbell...131

giving a majority of .....347 for Mr. Carroll. I accordingly declared the result of the Election in the following words:

I declare the votes given for the Honorable Francis Hincks thrown away, and that he is ineligible in consequence of his qualification having been sworn to before the Writ of Summons issued, and also because the Writ of Summons issued, and also because it was not shewn that he was incapacitated by sickness or any other unavoidable cause from attending in person at the day of nomination, to make Oath of declaration of qualification as demanded.

And I further declare that Peter Carroll, Esquire, having the majority of legal votes, is duly elected a Member to represent this County of Oxford in the ensuing Provincial Parliament.

I have the Honor to be, Sir,

Your obedient servant,

(Signed,) JOHN G. VANSITTART,

Returning Officer for the County  
of Oxford.

He then said that there was one thing to which he had forgotten to allude, as turning his mind in favor of the course he had pursued. It was one which it was impossible for him to get over; that was the act by Mr. Baldwin respecting the making of a qualification by the hands of a third person, when, from unavoidable circumstances, he was unable to be present himself. To be sure it was only in the preamble of the Act where the expression occurred, but he considered that the act was framed upon that condition, and was operative only under such circumstances, and as no such circumstances had been brought under his notice on that occasion, he did not require or expect such notice to be verified by affidavit or certificate, but he thought if necessary it should be brought to the Returning Officer's notice, and if disputed by other candidates, redress might be found before that Honorable House. In coming to his decision, though erroneous, he trusted the House would see he had not intended any infringement of the laws of Parliament; indeed so far from contemplating any disrespect to that Honorable House, he believed that he was best upholding the dignity of that privileged Assembly, by maintaining the purity of the laws which it had assisted in making.--The boast of an honest name, was what the humblest in the land might feel, and humble as his position placed him, he might be permitted to say, from the time that his family, in the pursuit



of commercial enterprise, became subjects of Great Britain, some century and a half ago, from that day to this hour, no single member of it had been found to disgrace the name he bore; unless the Honorable House, by its sentence, should determine that he who now addressed them had done so. During that period members of his family had occupied almost every position in the social state of their country,--the Army, the Navy, the Bar, the Senate, the Government of Great Britain could furnish instances where they had carried the name they supported with honour unimpeached, integrity unimpaired, to their homes and to their graves. That name had been bequeathed to him by an honored parent, who had again transplanted it to the forests of Canada; and he (Mr. V.) regarded it as a jewel beyond price, which it was his duty and his privilege to maintain unsullied, and transmit unblemished to his children. Four sons of his, if life was spared them, had yet to bear their parts in the coming events of their native country; he trusted that the Hon. House would not deprive them of a proper stimulus to exertion--a protection, perhaps, for disgrace in the hour of temptation, when even the precepts of religion or morality might fail; and he appealed to this, the highest tribunal in the land, the first Jury of his country, by every consideration most dear to freedom, and as the chosen guardians of the rights and properties of their fellow subjects, carefully to protect, most jealously to guard, this the most sacred right and valued property that mortal man could own,--an honor and a right which no mortal hand could give, and no human power, however exalted, should venture to invade till the possessor, by his own act, had forfeited his claim to it. He (Mr. V.) would respectfully ask hon. members, did they dispassionately believe such was the case with the delinquent at the Bar?--and if they were disposed to adjudge such a sentence against him, for the principle which he has avowed, or appointing his Deputy Returning Officer from the ranks of the supporters of Government, he humbly craved they would append to such a decision, when recorded on the Journals of the House, the cause which induced them to form it,--He called upon that Honorable House, not for mercy, but for justice, strict uncaring justice, uncaring, because accompanied by its brightest attribute, a guarded forbearance, until the wrong be proved beyond the possibility of doubt. He would crave of that House a diligent care weighing the evidence. He would beseech hon. members to banish from their minds all party considerations. He would once more implore them to regard only the merits of the case, not permit their judgments to be influenced by the imputation cast upon him by the hon. member for Middlesex, yesterday, of tampering with his witnesses; for he (Mr. V.) with all respect, would assure Mr. Speaker, that did that hon. gentleman occupy any other position than hon. member of that Honorable House, he (Mr. V.) should unhesitatingly declare that such an imputation was not only ungenerous, but unjust and untrue.<sup>69</sup>

(52)

*And then he was directed to withdraw.*

*On motion of Mr. Notman, seconded by Mr. Morrison,*

COL. PRINCE recommended the fying of all the documents which had been produced by Mr. Vansittart as part of this case.<sup>70</sup>

Mr. Notman's motion for postponing the further consideration of the case till Thursday next was then renewed<sup>71</sup>.

(52)

Ordered, That the further consideration of the case of John George Vansittart, Esquire, Returning Officer at the last General Election for the County of Oxford, be postponed until Thursday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Watts, seconded by Mr. Notman,  
The House adjourned.



APPENDIX: 30 JANUARY 1849.

((NOTICE OF MOTION RE: REPEAL OF SLEIGH ACT.))

M. LAURIN a donné avis qu'il proposerait de rappeler l'acte des sleighs.<sup>72</sup>

Les opinions sont partagées sur ce point; les uns pensant que la plupart des habitants du district de Montréal étant habitués aux sleighs, et en ayant presque tous, ce serait les obliger à des dépenses nouvelles et inutiles, et ils soutiennent en même temps que le système des sleighs est plus propre que les autres voitures à prévenir les cahots.<sup>73</sup>

D'autres, comme de raison, sont d'un avis contraire<sup>74</sup>.

((QUESTION AND ANSWER RE: QUEBEC - HALIFAX RAILROAD.))<sup>75</sup>

MR. CHAUVEAU ((asked a question.))<sup>76</sup>

MR. INSP. GEN. HINCKS stated, that till the Government had closed the correspondence now being carried on with the Imperial Government, it would be impossible for Government to propose anything relative to the Quebec and Halifax Railroad; that it was not possible, in the present state of the Provincial finances, to grant money for docks at Quebec; nor for a road between the County of Quebec and Lake St. John.<sup>77</sup>

((QUESTION AND ANSWER RE: LOWER CANADIAN CENSUS.))<sup>78</sup>

M. CHAUVEAU.--Allez-vous proposer une loi de recensement?<sup>79</sup>

MR. AT. GEN. LAFONTAINE stated (as we understood) that Government proposed to introduce no new bill for taking the census in Canada East<sup>80</sup>.

((QUESTION AND ANSWER RE: COST OF ADMINISTRATION OF JUSTICE IN UPPER CANADA.))<sup>81</sup>

M. CHAUVEAU.--Proposerez-vous de rappeler l'acte qui impose au coffre public le paiement des frais de justice dans le Haut-Canada?<sup>82</sup>

MR. AT. GEN. LAFONTAINE stated ... that Government proposed to introduce no new bill ... to repeal the Act 9 Vic., cap. 58, by which the cost of administering justice in Canada West was charged on the Consolidated Revenue<sup>83</sup>.

((QUESTION AND ANSWER RE: JESUIT ESTATES.))<sup>84</sup>

M. CHAUVEAU.--Qu'allez-vous faire par rapport aux biens des jésuites?<sup>85</sup>

MR. AT. GEN. LAFONTAINE stated ... that Government proposed to introduce no new bill ... for devoting the funds proceeding from the Jesuits' Estates to paupers, other than those to which they are now applied.<sup>86</sup>

((QUESTION AND ANSWER RE: BANKING AND CURRENCY LAWS.))<sup>87</sup>

MR. SCOTT ((asked a question.))<sup>88</sup>

MR. INSP. GEN. HINCKS stated that the Government would not introduce any bill to change the Currency Laws; nor to establish a Bank of Issue. There was a Bill in preparation relative to the issue of Debentures.<sup>89</sup>

((WITHDRAWN MOTION RE; PETITION ON SEIGNEURIAL TENURE.))<sup>90</sup>

DR. BOUTHILLIER, secondé par le DR. DAVIGNON, fit motion que la requête<sup>91</sup> nombreusement signée<sup>92</sup> du conseil municipal de St. Hyacinthe<sup>93</sup> qui demandait un remède aux abus de la tenure seigneuriale<sup>94</sup> fut renvoyée à un comité composé de MM. Davignon, Duchesnay, Armstrong, Cartier, et du moteur.<sup>95</sup>

MR. AT. GEN. LAFONTAINE pria le Dr. Bouthillier de vouloir bien retirer la motion, attendu qu'il avait déjà répondu à l'hon. membre pour Rouville, suggérant un comité général.<sup>96</sup>

DR. LATERRIERE fit remarquer alors qu'il y avait trop de précipitation sur cette question, et qu'il voyait qu'on en faisait un engin pour de la popularité.<sup>97</sup> Si l'on voulait dépouiller les seigneurs de leurs justes droits, on devait le déclarer de suite et sans détour.<sup>98</sup>

DR. BOUTHILLIER refuta l'assertion de l'hon. membre pour le Saguenay en lui disant que loin de chercher à se créer de la popularité il ne faisait que remplir son devoir en présentant une requête de la part d'un corps aussi respectable que le conseil du comité qu'il avait l'honneur de représenter.<sup>99</sup>

DR. DAVIGNON fit remarquer sa surprise d'entendre les remarques de son honorable ami pour le Saguenay; il le pria de vouloir bien remarquer que la requête qu'il avait eu l'honneur de présenter devant cette chambre se plaignait des abus et vexations de certains seigneurs, si bien décrits par Son honorable ami lui-même dans sa lettre à la commission de 1841, de plus, l'hon. member fit remarquer sa surprise de voir qu'on paraissait s'opposer à s'enquérir sur des plaintes si fortement exprimées que quelque lui assurait son honorable ami pour St. Hyacinthe, qu'il était décidé à supporter sa motion afin de pouvoir sur un rapport de ce comité recommander la passation d'une loi déclaratoire fixant le taux des rentes à être payées aux seigneurs.<sup>100</sup> Il ne voulait pas voler les seigneurs; mais<sup>101</sup> il ne voyait pas pourquoi une semblable loi ne serait pas passée en attendant celle de la commutation; mais cependant ne voulant pas précipiter la mesure laissait son ami parfaitement libre.<sup>102</sup>

DR. BOUTHILLIER consentit à retirer sa motion, ne voulant pas causer de l'embarras à l'administration et prenant acte de son intention.<sup>103</sup>



FOOTNOTES: 30 JANUARY 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 31 January 1849; PILOT, 31 January 1849, GLOBE, 7 February 1849, and BATHURST COURIER, 9 February 1849, in identical accounts.
2. PILOT, 31 January 1849.
3. IBID.
4. IBID.
5. MONTREAL GAZETTE, 31 January 1849.
6. PILOT, 31 January 1849.
7. MONTREAL GAZETTE, 31 January 1849.
8. IBID.
9. IBID.
10. PILOT, 31 January 1849.
11. MONTREAL GAZETTE, 31 January 1849.
12. IBID.
13. PILOT, 31 January 1849.
14. MONTREAL GAZETTE, 31 January 1849.
15. PILOT, 31 January 1849.
16. IBID.
17. IBID.
18. The debate on this matter was reported by: MONTREAL GAZETTE, 31 January 1849; PILOT, 31 January 1849, BRITISH WHIG, 5 February 1849, GLOBE, 7 February 1849, and BATHURST COURIER, 9 February 1849 in identical accounts.
19. PILOT, 31 January 1849.
20. MONTREAL GAZETTE, 31 January 1849. Synopses of this bill are found in: BRITISH COLONIST, 9 February 1849; PACKET, 10 February 1849; BATHURST COURIER, 16 February 1849. Comments on it are found in ST. CATHARINES JOURNAL, 15 February 1849.
21. MONTREAL GAZETTE, 31 January 1849.
22. The debate on this matter was reported by: MONTREAL GAZETTE, 31 January 1849, 2 February 1849; PILOT, 31 January 1849, and GLOBE, 7 February 1849, in identical accounts. The GLOBE, 7 February 1849, also noted the debate.
23. MONTREAL GAZETTE, 31 January 1849.
24. PILOT, 31 January 1849, said that Prince, not MacNab, examined the witness.
25. PILOT, 31 January 1849.
26. MONTREAL GAZETTE, 31 January 1849.
27. MONTREAL GAZETTE, 2 February 1849.
28. PILOT, 31 January 1849.
29. MONTREAL GAZETTE, 2 February 1849.
30. PILOT, 31 January 1849.
31. MONTREAL GAZETTE, 2 February 1849.
32. PILOT, 31 January 1849.
33. MONTREAL GAZETTE, 2 February 1849.
34. PILOT, 31 January 1849.
35. MONTREAL GAZETTE, 2 February 1849.
36. PILOT, 31 January 1849.
37. MONTREAL GAZETTE, 2 February 1849.
38. PILOT, 31 January 1849.
39. MONTREAL GAZETTE, 2 February 1849.
40. PILOT, 31 January 1849.

41. MONTREAL GAZETTE, 2 February 1849.
42. PILOT, 31 January 1849.
43. MONTREAL GAZETTE, 2 February 1849.
44. PILOT, 31 January 1849.
45. MONTREAL GAZETTE, 2 February 1849.
46. PILOT, 31 January 1849.
47. MONTREAL GAZETTE, 2 February 1849.
48. PILOT, 31 January 1849.
49. MONTREAL GAZETTE, 2 February 1849.
50. PILOT, 31 January 1849.
51. MONTREAL GAZETTE, 2 February 1849.
52. PILOT, 31 January 1849.
53. MONTREAL GAZETTE, 2 February 1849.
54. IBID.
55. IBID.
56. PILOT, 31 January 1849.
57. MONTREAL GAZETTE, 2 February 1849.
58. PILOT, 31 January 1849.
59. IBID., which called him Mr. Palmer.
60. MONTREAL GAZETTE, 2 February 1849.
61. PILOT, 31 January 1849.
62. MONTREAL GAZETTE, 2 February 1849.
63. PILOT, 31 January 1849.
64. MONTREAL GAZETTE, 2 February 1849.
65. PILOT, 31 January 1849.
66. MONTREAL GAZETTE, 2 February 1849.
67. PILOT, 31 January 1849.
68. MONTREAL GAZETTE, 2 February 1849.
69. IBID.
70. PILOT, 31 January 1849.
71. IBID.
72. LE JOURNAL DE QUEBEC, 3 February 1849.
73. IBID.
74. IBID.
75. The debate on this matter was reported by: PILOT, 31 January 1849, BRITISH WHIG, 1, 5 February 1849, BROCKVILLE RECORDER, 1 February 1849, BRITISH COLONIST, 2 February 1849, misdated as 31 January, GLOBE, 3 February 1849, misdated as 32 January, and 7 February, PROVINCIALIST, 5 February 1849, misdated as 31 January, ST. CATHARINES JOURNAL, 8 February 1849, misdated as 31 January, and BATHURST COURIER, 9 February 1849, in identical accounts.
76. PILOT, 31 January 1849.
77. IBID.
78. The debate on this matter was reported by: PILOT, 31 January 1849, BRITISH WHIG, 1, 5 February 1849, BROCKVILLE RECORDER, 1 February 1849, BRITISH COLONIST, 2 February 1849, misdated as 31 January, GLOBE 3 February 1849, misdated as 32 January, and 7 February, PROVINCIALIST, 5 February 1849, misdated as 31 January, ST. CATHARINES JOURNAL, 8 February 1849, misdated as 31 January, and BATHURST COURIER, 9 February 1849, in identical accounts; and LE JOURNAL DE QUEBEC, 3 February 1849.
79. LE JOURNAL DE QUEBEC, 3 February 1849.
80. PILOT, 31 January 1849.



81. The debate on this matter was reported by: PILOT, 31 January 1849, BRITISH WHIG, 1, 5 February 1849, BROCKVILLE RECORDER, 1 February 1849, BRITISH COLONIST, 2 February 1849, misdated as 31 January, GLOBE, 3 February 1849, misdated as 32 January, and 7 February, PROVINCIALIST, 5 February 1849, misdated as 31 January, ST. CATHARINES JOURNAL, 8 February 1849, misdated as 31 January, and BATHURST COURIER, 9 February 1849, in identical accounts; and LE JOURNAL DE QUEBEC, 3 February 1849.
82. LE JOURNAL DE QUEBEC, 3 February 1849.
83. PILOT, 31 January 1849.
84. The debate on this matter was reported by: PILOT, 31 January 1849, BRITISH WHIG, 1, 5 February 1849, BROCKVILLE RECORDER, 1 February 1849, BRITISH COLONIST, 2 February 1849, misdated as 31 January, GLOBE, 3 February 1849, misdated as 32 January, and 7 February, PROVINCIALIST, 5 February 1849, misdated as 31 January, ST. CATHARINES JOURNAL, 8 February 1849, misdated as 31 January, and BATHURST COURIER, 9 February 1849, in identical accounts; and LE JOURNAL DE QUEBEC, 3 February 1849.
85. LE JOURNAL DE QUEBEC, 3 February 1849.
86. PILOT, 31 January 1849.
87. The debate on this matter was reported by: PILOT, 31 January 1849, BRITISH WHIG, 1, 5 February 1849, BROCKVILLE RECORDER, 1 February 1849, BRITISH COLONIST, 2 February 1849, misdated as 31 January, GLOBE, 3 February 1849, misdated as 32 January, and 7 February, PROVINCIALIST, 5 February 1849, misdated as 31 January, ST. CATHARINES JOURNAL, 8 February 1849, misdated as 31 January, and BATHURST COURIER, 9 February 1849.
88. PILOT, 31 January 1849.
89. IBID.
90. The debate on this matter was reported by: LA MINERVE, 1 February 1849; and LE JOURNAL DE QUEBEC, 3 February 1849.
91. LA MINERVE, 1 February 1849.
92. LE JOURNAL DE QUEBEC, 3 February 1849.
93. LA MINERVE, 1 February 1849.
94. LE JOURNAL DE QUEBEC, 3 February 1849.
95. LA MINERVE, 1 February 1849.
96. IBID.
97. IBID.
98. LE JOURNAL DE QUEBEC, 3 February 1849, which added that he spoke "énergiquement contre ce procédé."
99. LA MINERVE, 1 February 1849.
100. IBID.
101. LE JOURNAL DE QUEBEC, 3 February 1849.
102. LA MINERVE, 1 February 1849.
103. IBID.

WEDNESDAY, 31 JANUARY 1849.

(52)

Petitions  
brought up.

THE following Petitions were severally  
brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of Xavier Meloche and others, of the Parish of St. Timothée de Beauharnois; the Petition of the Council of the Municipality of the second division of the County of Beauharnois, (Municipal Act); and the Petition of the Council of the Municipality of the second division of the County of Beauharnois (Road).

By Mr. Malloch,--The Petition of Thomas Hill, of the City of Toronto.

By Mr. Dumas,--The Petition of the Religious Ladies of the Hôtel Dieu of Montreal; the Petition of Amable Archambeault and others, of L'Assomption; the Petition of J. C. Faribault and others, of the Counties of Leinster and Berthier; and the Petition of L. Z. Nolin and others, of the Village and Parish of L'Assomption.

By Mr. Lemieux,--The Petition of Joseph C. Bélanger and others, of St. Ambroise.

By Mr. Chauveau,--The Petition of Charles H. Lassiseraye, of the City of Montreal; and the Petition of Mrs. Ellenor Teed, of the City of Quebec.

By Mr. Egan,--The Petition of L. G. Bigelow and others, of the County of Ottawa.

By the Honorable Mr. Badgley,--The Petition of the Reverend Alexander Mathieson, D. D. and others, Members of the Presbyterian Church of Canada in connection with the Established Church of Scotland.

By Mr. Flint,--The Petition of the Municipal Council of the District of Victoria, and of the Marmora Foundry Company.

By the Honorable Mr. Attorney General Baldwin,--The Petition of William Johnston, Esquire, of the Township of Georgina.

By the Honorable Mr. Attorney General LaFontaine,--The Petition of the Montreal Ladies Benevolent Society; the Petition of Sister Jeanne de Chantal and others, Sisters of Charity of Montreal; the Petition of the Right Reverend the Catholic Bishop of Montreal (Foundlings); and the Petition of the Right Reverend the Catholic Bishop of Montreal (Seminary of Ste. Thérèse).

By Mr. Morrison,--The Petition of George Gurnett, Esquire, Mayor, and others, of the City of Toronto, and others of the Home District.

By Mr. Chabot,--The Petition of the Society of Education of Quebec; the Petition of the Directresses of the Charitable Association of the Roman Catholic Ladies of Quebec; the Petition of the Honorable William Walker and others, of the City of Quebec; the Petition of François Rourke and others, of the District of Quebec; the Petition of Messieurs LeMesurier, Tilstone and Company, and others, Merchants and others of the City of Quebec; the Petition of Joseph Légaré and others, of the City of Quebec; the Petition of E. Dalairé, Esquire, and others, of the South Shore of the St. Lawrence, in the vicinity of Quebec; the Petition of H. Gowen, Esquire, and others, of Quebec; the Petition of W. K. M'Cord, Esquire, and others, of the City of Quebec; the Petition of the Reverend John Cook, D. D. and others, the Ministers, Elders, and Trustees of St. Andrew's Church in the City of Quebec; the Petition of Miss Eliza Taylor, Secretary, on behalf of the Committee of Ladies conducting the affairs of the Protestant



*Female Orphan Asylum at Quebec; the Petition of the Reverend George Mackie, D. D. Chairman, and others the Committee of Management of the National Schools at Quebec; the Petition of Lady Stuart and other Ladies, the Committee of the Quebec Infant School; the Petition of the Literary and Historical Society of Quebec (Aid); the Petition of the Literary and*

(53)

*Historical Society of Quebec (Quorum); and the Petition of Z. Williams and others, of Quebec.*

*By the Honorable Mr. Merritt,--The Petition of William Farley and others, Electors of Ward No. 4, in the Town of St. Catharines.*

*By Mr. Notman,--The Petition of John Watson Griffin and others, sons and daughters of the late Joseph Griffin.<sup>1</sup>*

MR. NOTMAN had a petition to present, on which he craved permission to say a few words. It was a petition affecting not the humble petitioners alone, but the whole people of Canada. The people of Canada look to this Parliament to settle the great and important question whether the Canadian people are to enjoy religious freedom to the same extent that they enjoy civil liberty. The great question must be decided, whether invidious distinctions are to be made amongst the different religious denominations, by affording a portion of church support to one, whilst it is withheld from another. (Hear, hear.) This great question must shortly come up, however much hon. members might desire to put it off, it must be met and a solemn decision on it, arrived at. The interest of the country require (sic) that this question, affecting as it does the tranquility of the Province, must be fairly met, and at once set at rest forever. In his (Mr. Notman's) opinion the subject could not be more fairly and properly brought under the attention of the House than at the present time. We have on our Statute Book an Act of Parliament passed in a former day, called the Rectories Act, which is a disgrace to any people professing to enjoy civil and religious liberty. Discontent would be felt throughout the land so long as endowments continue to be tolerated, and until religion was left to be supported by the free-will, offerings of the people, and voluntary contributions, the only way in which the Religion of the Redeemer ought to be maintained. (Hear, hear.) This question must be met, despite any effort that might be made to shirk it. He reminded hon. members on this side of the House especially, that they were sent there by their constituents, on the understanding and with the conviction that this great and crying evil throughout the land, should be taken up and discussed, and respect had to public opinion, which desires no State Church in Canada. Fortunately there is no established Church, and he (Mr. N.) trusted we never should have. Civil liberty the people of Canada enjoy to the fullest extent; they possess a system of Government founded on the immutable principles of justice, and it should be so with regard to religious institutions also, for so long as endowments were given to half a dozen churches while others were degraded, the people never would be contented. (Hear, hear.) The hon. member concluded by reading the petition of the eleven sons and daughters of the late Joseph Griffin of the Township of Flamboro, Gore District, complaining that the lands which their father had brought and cultivated, had been seized and appropriated to the endowment of the Wellington Square Rectory.<sup>2</sup>

(53)

By Mr. Wetenhall,--The Petition of David Buchan, Esquire, and others, of the Village of Paris and its vicinity; the Petition of G. Macartney and others, of the southern half of the Township of Dumfries, District of Gore; and the Petition of Absalom Shade, of Galt, and James Cowan, of Waterloo.

By Mr. Wilson,--The Petition of William Oliver, of the Township of Downie, District of Huron.

By Mr. M'Lean,--The Petition of William Hoople, of the Township of Osnabruck, Eastern District, Pilot.

By Mr. Holmes,--The Petition of the Reverend Alexander Mathieson, D. D., and others, on behalf of the Congregation of St. Andrew's Church in the City of Montreal.

By Mr. Solicitor General Drummond,--The Petition of Joseph Bistodeau and others, of the Village of St. Hyacinthe.

By the Honorable Mr. Viger,--The Petition of the Reverend A. Th  berge, of Terrebonne.

By the Honorable Mr. Robinson,--The Petition of the Warden and Municipal Council of the District of Simcoe (Assessment Law).

Petitions read.

Pursuant to the Order of the day, the following

Petitions were read:--

Of Mrs. M. Lunn, Directress, and Mrs. A. Durnford, Secretary, on behalf of the University Lying-in Hospital, Montreal; praying for the usual aid in support of the said Institution.

Of the Justices of the Peace of the Home District, in Quarter Sessions assembled; praying for certain amendments to the Law regulating the Licensing of taverns and houses of public entertainment.

Of John Molson, Esquire, and others, the Company of Proprietors of the Montreal and Province Line Junction Railway; praying an extension of the time limited for the deposit of their Plan, and for an increase of their Capital Stock.

Of Andrew MacFarlane and others, of the City of Montreal; praying that the Law which protects the Salaries of Public Officers of the Executive Government from seizure, may be so amended as to enable parties to recover their just dues.

Of the Reverend P. Huot and others, of the Parish of Ste. Foye, Counties of Quebec and Portneuf; praying that the Act 10 and 11 Vic. c. 7, establishing Municipal Authorities in Lower Canada be repealed, and the Act 8 Vic. c. 10, revived in lieu thereof.

Of Louis Legendre, Esquire, and others of the Parish of St. Louis de Lotbini  re; praying that the School Commissioners for the said Parish may be authorized by law to sue for and recover a certain legacy bequeathed by the late Reverend Messire Joseph Maurice Jean, of Lotbini  re, for purposed of Education.

Of Eug  ne L'Ecuyer, of the City of Quebec, Notary Public; praying aid to enable him to publish a Work on Law compiled by him, and entitled "Petit Guide du Jeune Notaire."

Of George O'Kill Stuart, Esquire, and others, of the City of Quebec; praying to be incorporated as "The Quebec Protestant Cemetery Association."

Of the Corporation of the College of St. Hyacinthe; praying an increased aid in support of the said College.



Of the Rev. L. Provancher and others, of Lambton and other Townships, County of Megantic; praying that the said Townships may be formed into a distinct Municipality.

Of the Directors of the Academy of Berthier; praying aid to enable them to enlarge the said Academy.

Of Jean Baptiste Cartier and others, of St. Francois du Lac; praying indemnification for losses sustained by them during the Troubles of 1837 and 1838.

Of the Directors of the Academy of Berthier; praying the usual aid in support of the said Academy.

Of J. B. Charland and others, of the Parish of St. Grégoire, County of Nicolet; praying aid to open a certain road in the said Parish.

Of Alexander M'Donnell and others; praying for the construction of a public depository for timber at the Port of Quebec.

Of the Trustees of the Richmond Academy; praying a grant for the past year in aid of the said Academy.

Of Elijah R. Parks and others, of the late Province of Upper Canada; praying that provision be made for compensating those whose Lands may be found deficient in measurement.

Of Richard Daverne, of Adolphustown, Midland District; praying compensation for a grant of land made to his late brother, but afterwards revoked.

Of George Hyde, Esquire, and others, of the Townships of Sarnia and Plympton, in the Western District, and others of the Huron Tract; praying that the Board of Works be directed to survey and construct a Road along the shores of Lake Huron, through the said Townships, and that aid be granted for that purpose.

Of James Porter, Esquire, and others, inhabitants of the northern Townships of the County of Kent; praying that the said Townships be set apart and erected into a new District.

Of the Montreal Protestant Orphan Asylum; praying aid to enable them to complete a Building commenced by them for the purposes of that Institution.

Of the Ladies Directresses of the Montreal Protestant Orphan Asylum; praying for the usual aid in support of the said Institution.

Of the Chiefs and Warriors of the Village of Abenakis, of St. Francois du Lac St. Pierre; praying for the passing of an Act to confirm their nomination of a Trustee for the recovery of their debts and the protection of their rights.

Of Richard Watson, of the City of Toronto, Builder; representing that he has sustained a loss of Five hundred and sixty-two pounds, in the fulfilment of a contract undertaken by other parties for macadamizing a certain part of the Yonge Street Road, and praying relief.

Of J. E. Pell and others, Mechanics, of the City of Toronto; praying for the establishment of a Provincial School of Art and Design.

Of Charles Boyle, of the place called "Nuns' Land," of the parish of St. Giles, in the District of Quebec; praying payment of a sum of money due him as Teacher of an Elementary School.

Of G. J. Freligh and others, of the Township of Stanbridge, in the County of Missisquoi; praying that the said Township may be divided into two separate Parishes, to be called Stanbridge and Bedford.

Of J. Chamberlin, Esquire, and others, of the County of Missisquoi; praying for the protection of Woollen Cloths manufactured in this Province.

Of E. De Bellefeuille and others, of the City of Montreal, Students at Law;

praying that Students at Law in Lower Canada who have graduated, or who may hereafter graduate, at any legally established University or College in this Province, or in Great Britain or Ireland, may be admitted to practice that

(54)

profession after having served a Clerkship of three years.

Of John Ring and others, of the Township of Nepean; praying that no alteration be made in the front of lots in Concessions A, B, C, and D, of the said Township.

Of A. W. Laird and others, of the City of Montreal; praying for the passing of a law to protect the funds of the Association of Odd Fellows from fraud and defalcation.

Of Thomas Paddock and others, of the Township of Puslinch, District of Gore; praying that a certain section of that Township, with the Gore of the same and certain other Townships, as notified in the Official Gazette, may be set apart and erected into a new District, to be called the District of Bruce, with Galt as the District Town.

Of Alexander B. Orr and others, of North Easthope and other Townships of the District of Huron, Brook, and Wellington; praying for the passing of an Act to provide for the extension and improvement of the Dundas and Waterloo Road.

Of John Meyers and others, of the German Block in the Township of Woolwich; praying that the said Township and certain others, as notified in the Official Gazette, may be set apart and erected into a new District to be called the District of Bruce, with Galt as the District Town.

Of Daniel Langley and others, of North Easthope and other Townships of the Districts of Huron and Wellington; praying that the said Townships may be attached to the proposed new District of Bruce.

Of Ralph C. Nicholson and others, of the Township of Dumfries; praying that the south half of the said Township may be attached to the proposed new District of Bruce.

Of the Reverend J. L. Beaubien and others, of the Parish of St. Thomas, in the County of L'Islet; praying a grant of money to enable them to establish an Institution for female education.

Of John Hawkins and others, of the Township of Woolwich, District of Wellington; praying that no division be made of the said District, as is proposed by the formation of a new District of Bruce.

Of George J. Grange, Chairman, and C. H. Webster, Secretary, on behalf of a Public Meeting of the Inhabitants of the District of Wellington; praying that no division be made of the said District, as is proposed by the formation of a new District of Bruce.

Of Alfred A. Baker and others, of the Townships of Guelph and Eramosa, District of Wellington; praying that no division be made of the said District, as is proposed by the formation of a new District of Bruce.

Of Thomas Saunders and others, of the Township of Puslinch, District of Wellington; praying that no part of that Township may be separated from the said District.

Of James Burr and others, of the Township of Nichol, District of Wellington; praying that no division be made of that said District, as is proposed by the formation of a new District of Bruce.

Of James M'Kaig and others, of the Township of Puslinch, District of Wellington; praying that no division be made of the said District, as is proposed by the formation of a new District of Bruce.



Of Henry Cardwell and others, of Holland and other Townships, District of Wellington; praying that no division be made of the said District, as is proposed by the formation of a new District of Bruce.

Of John D. M'Kenzie and others, of the Township of Beverly, District of Gore; complaining of deficiency in the measurement of their lands from wrong and false surveys, and praying for redress.

Of the Magistrates of the District of Wellington, in Quarter Sessions assembled; praying that no such division be made of the District of Gore and Wellington as that proposed by the formation of a new District of Bruce.

Of the Magistrates of the Wellington District; praying for the imposition of a License for the sale of Beer.

Of John Charlton and others, of the City of Toronto; and other places in the Home District; praying for the passing of an Act to enable them to construct a plank road through the Township of York, in a certain course, to the junction line between that Township of Vaughan, and to collect tolls thereon.

Of William Montgomerie, Esquire, and others, of Grantham and the adjoining Townships, in the County of Drummond; praying aid to erect a Bridge over the River St. Francis, at the Village of Drummondville.

Of the Honorable Joseph Bourret, Mayor, on behalf of a Meeting of the Inhabitants of the City of Montreal; praying the adoption of certain measures to obtain the repeal or modification of the Navigation Laws.

Of the Reverend John Bethune and others, of Montreal; praying aid in support of the Montreal Eye and Ear Institution.

Of Alexander M'Donnell, Esquire, and others, of the south side of the River Ottawa, between the Town of Bytown and the Village of Pembroke; praying that the grant voted in the year 1845, for the construction of a line of road between Bytown and Pembroke be paid and expended in the completion thereof.

Of George Chaperon, of Baie St. Paul, County of Saguenay; praying a grant of money to compensate him for a part of his loss and damage sustained in the execution of his office as Commissioner for opening a communication between the Parishes of St. Pierre, St. Paul, and St. Joachim.

Of George Chaperon and others, of Baie St. Paul and St. Urbain, County of Saguenay; praying aid for the opening of the Bagot Road,--for erecting a bridge over the River du Gouffre,--and for improving the Road des Côtes du Cap aux Corbeaux; and that the said works be placed under the control of the Board of Works.

Of the Reverend J. B. Gagnon and others, of Malbaie and other Parishes, in the County of Saguenay; praying aid for the completion and maintaining of the Road between Ste. Agnès and La Baie des Ha! Ha!

Of the Quebec Library Association; praying aid in support of the said Institution.

Of Benjamin Horner and others, of the Township of Blenheim, District of Brock; praying that that Township may not be separated from the said District, as is proposed by the formation of a new District of Brant.

Of William Leonard, of the Township of Scarborough; praying payment of an amount due him as Schoolmaster in the Town of Carlisle, District of Gaspé.

Of David Wood and others, of the Township of Walpole; praying that the boundary line between that Township and the Township of Woodhouse may be finally settled.

Of Erastus Ives and others, of the District of St. Francis; praying aid to construct a Road from Waterville to Sherbrooke.

Of the Reverend W. King and others, of the Township of Broughton, County of Megantic; praying aid to improve the route communicating with the Craig's Road.

Of E. Duchesnay, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce; praying for the abrogation of the Tenures en fief and en censive.

(55)

Of Joseph Donegani, of the City of Montreal; praying for an Act to confirm his title to certain property which he inherited from his father, but of which his nephew have dispossessed him at law, on the ground of his being an alien; and that the titles of all persons in a similar situation may be quieted.

Of John H. Aussem, Esquire, and others, of the Province of Canada; praying that persons practising the Thomsonian or Botanic system of Medicine, may be authorized to prescribe and to collect pay for their services, especially when they have received diplomas from the Thomsonian Medical Society.

Of William Duncan, of the Parish of St. Ignace du Coteau du Lac, County of Vaudreuil; praying for the passing of an Act to enable him to recover a certain amount due him for the construction of a Bridge over the River à Delisle.

Of S. S. Foster, and others, the President and Directors of the Shefford Academy; praying the usual aid in support of the said Institution.

Of Benjamin Ouimet and others, of the Township of Upton; praying that a certain part of the said Township may be annexed to the County of Shefford and to the District of Montreal.

Petition of  
Justices of  
the Peace,  
Home District;

Ordered, That the Petition of the Justices of the Peace of the Home District, in Quarter Sessions assembled, be referred to the Select Committee appointed to enquire whether any and what Legislative measures can be adopted to repress the

evils growing out of Intemperance.

Of L. Legendre  
and others;

Of G. O'Kill  
Stuart and  
others;

Of T. M. Daly  
and others;

Of B. Ouimet  
and others;

Of J. Porter  
and others;

Ordered, That the Petition of Louis Legendre, Esquire, and others, of the Parish of St. Louis de Lotbinière; the Petition of George O'Kill Stuart, Esquire, and others, of the City of Quebec; the Petition of T. M. Daly and others, of North Easthope and other Townships in the County of Huron, and of the Government Lands north of the eastern section of the District of Huron; the Petition of Benjamin Ouimet and others, of the Township of Upton; and the Petition of James Porter, Esquire, and others, inhabitants of the northern Townships of the

County of Kent; and the several other Petitions presented during the present Session on the subject of the division of the County of Kent, be referred to the Standing Committee on Standing Orders.



Of Joseph Donegani, referred.

Mr. Prince, Mr. Smith, of Frontenac, and Mr. Jobin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

First Report of Committee on Roads and Bridges.

Mr. Fortier, from the Standing Committee on Road and Bridge Bills, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Entries in the Journal of the 17th and 20th March, 1848, which relate to the Petition of William Bradley and others, of the Township of Caledonia, praying that a certain allowance for Road in that Township may be granted to the said William Bradley in lieu of an allowance made by him for a like purpose; and being satisfied, from the testimony of Mr. Johnson, (a Member of the Committee), that the Government allowance has never been used as a travelled road, and that proposed to be substituted by Mr. Bradley had been so used for about two years,--and finding also, the Petition is signed by nearly every person residing in the vicinity in question, and that no Petition has been presented against the application, Your Committee would beg leave to recommend that the prayer of the Petition of complied with.

Bradley's Road Allowance Bill.

Ordered, That Mr. Johnson have leave to bring in a Bill to enable William Bradley to hold a certain Road allowance in Caledonia, in the Ottawa District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Cornwall Election.

Mr. Dumas, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, presented to the House the final Report of the said Committee; which was read, as followeth:--

Resolved, That eight clear days' notice of the time and place of holding an Election are required by the Provincial Statute 6 Vic. c. 1.

Resolved, That such notice was not given for the holding of the Election of a Member to represent the Town of Cornwall in the present Parliament.

Resolved, That this Committee have no reason to believe that the result of the said Election has been affected by such irregularity.

Resolved, That the Honorable John Hillard Cameron was duly elected to serve as a Member to represent the said Town of Cornwall in this present Parliament.

Resolved, That the Petition of Charles Rattray, Esquire, and others, is not frivolous or vexatious.

Resolved, That the conduct of the Returning Officer at the said Election, in giving the notice thereof, was not in accordance with the said Act.

Second Report  
of Committee  
on Standing  
Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of H. H. Whitney and others, of the City of Montreal; of Alexandre M. Delisle, and B. H. LeMoine, of the City of Montreal, and J. B. Debien, junior, of the Parish of Ste. Rose; and of Louis Comte, of the City of Montreal, and find that in each case the requisite notice has been given.

With respect to the Petition of the Corporation of the City of Kingston, and of divers Inhabitants of the said City, praying to be incorporated as "The City of Kingston Water Works Company," Your Committee find that notice has not been signed by the Mayor and Corporation of the City of Kingston, and the matter will affect that locality only, they beg leave to submit to Your Honorable House whether the notice may not in this case be dispensed with.

Your Committee have examined the Petition of the Montreal and Lachine Railroad Company, praying for authority to raise a loan, or to increase their capital stock, with power to sell and transfer all the property and corporate rights of the Company,--and finding that notice has not been given by them, they beg to submit to Your Honorable House whether a notice is necessary in this case.

The Petitions of the Reverend Messire St. Germain; of the Sisters of the Holy Cross, of the Parish of St. Laurent; and of V. P. W. Dorion and others, do not, in the opinion of Your Committee, come under the provisions of the 66th Rule.

(56)

Kingston  
Water Works  
Bill.

Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to incorporate "The City of Kingston Water Works Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Sherwood, of Brockville, seconded by Mr. Morrison,  
Petitions for  
Private Bills. Resolved, That the time for presenting Petitions to this House for Private Bills be extended until Thursday, the fifteenth day of February next.

MR. H. SHERWOOD<sup>3</sup> (Toronto) in the absence of Sir Allan MacNab who is still absent from indisposition, took up a motion of which the honourable and gallant Knight had given notice, to the effect that the House should sit for the future from ten in the forenoon, until six o'clock in the evening, at which hour the speaker is to declare the House adjournment until next day of meeting, and that the House shall not sit on Wednesdays and Saturdays.<sup>4</sup>



(56)

First Rule  
of the House,--  
and Notices.

The Honorable Mr. Sherwood moved, seconded by Mr. Christie, and the Question being proposed, That so much of the First Rule of this House as regulates the hour of meeting for the transaction of Business be amended, by substituting, ten o'clock in the morning for three o'clock in the afternoon, for during the present Session, to commence from and after the present week; and further, that, if at the hour of six o'clock, P. M., the House be still sitting, Mr. Speaker shall adjourn the House until the next sitting day without a Question first put; that on Tuesday in each week the House shall stand adjourned till the following Thursday, and that in all cases of Notices two full days shall elapse before they be acted upon,--the whole for and during the present Session, and no longer.

MR. PAPINEAU thought the proposed change would tend to delay the public business.<sup>5</sup>

MR. BOULTON spoke in favor of meeting in the forenoon to dispose of the mere Routine Business, and meeting in the evening to consider the Orders of the day, and not to sit later than 10 o'clock under any circumstances.<sup>6</sup>

MR. AT. GEN. BALDWIN had no objection to the changes but he did not think it would be found advantageous. He was afraid it would scarcely leave the members of the Government sufficient time to carry on the Government business, if they were obliged to attend the House during the day for four days a week.<sup>7</sup>

(56)

The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Wetenhall, That all the words after "substituting," to the end of the Question, be left out, and the words, "this House do adjourn at ten o'clock every evening, and do meet every morning at eleven, for the transaction of the Routine Business of the House, and that so soon as the Routine Business be concluded, the Speaker do leave the Chair, and resume the sitting of the House at three, when the Orders of the day will be proceeded with; provided that nothing in this order shall interfere with any question of Privilege," be added instead thereof.

((There were)) a few remarks from members<sup>8</sup>.

(56)

And the Question being put on the Amendment; the House divided:-- And it passed in the Negative.

And the Question being again proposed, That so much of the First Rule of this House as regulates the hour of meeting for the transaction of Business be amended, by substituting, ten o'clock in the morning for three o'clock in the afternoon, for and during the present Session, to commence from and after the present week; and further, that, if at the hour of six o'clock, P. M. the House be still sitting, Mr. Speaker shall adjourn the House until the next sitting day without a Question first put; that on Tuesday in each week the House shall stand adjourned till the following Thursday, and that in all cases of Notices two full days shall elapse before they be acted on,--the whole for and during the present Session, and no longer.

The Honorable Mr. Papineau moved in amendment to the Question, seconded by the Honorable Mr. Boulton, That all the words after "That," to the end of the Question, be left out, and the words, "Mr. Speaker do, at ten o'clock, P. M., declare the House adjourned until the next sitting day, at three o'clock, P. M.," be added instead thereof.

And the Question being put on the Amendment, the House divided; and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Beaubien, Boulton of NORFOLK, Chabot, DeWitt, Duchesnay, Fourquin, Hall, Johnson, Laurin, Macdonald of GLENGARRY, Malloch, Papineau, Sauvageau, Smith of WENTWORTH, Thompson, and Wetenhall.--(16.)

## NAYS.

Messieurs Badgley, Attorney General Baldwin, Bell, Solicitor General Blake, Bouthillier, Brooks, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Christie, Crysler, Solicitor General Drummond, Dumas, Egan, Flint, Fortier, Fournier, Guy, Guillet, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Macdonald of KINGSTON, Marquis, M'Lean, Merritt, Méthot, Mongenais, Morrison, Notman, Polette, Price, Richards, Robinson, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Taché, Viger, Watts, and Wilson.--(49.)

So it passed it the Negative.

Then the Main Question being put;

Resolved, That so much of the First Rule of this House as regulates the hour of meeting for the transaction of Business be amended, by substituting, ten o'clock in the morning for three o'clock in the afternoon, for and during the present Session, to commence from and after the present week; and further, that, if at the hour of six o'clock, P. M., the House be still sitting, Mr. Speaker shall adjourn the House until the next sitting day without a Question first put; that sitting day without a Question first put; that on Tuesday in each week the House shall stand adjourned till the following Thursday, and that in all cases of Notices two full days shall elapse before they be acted on,--the whole for and during the present Session, and no longer.

On motion of Mr. Seymour, seconded by Mr. Malloch,

Lunatic Asy-  
lum Tax.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause the proper

officer to lay before this House, a Return of the amount of Lunatic Asylum Tax collected and paid into the Provincial Treasury by the several Districts of the late Province of Upper Canada, under the authority of the Act 2 Vic. c. 11, for the several years since the passing of the said Act, distinguishing, as nearly as possible, the amount so collected and paid in by the several incorporated Cities and Towns.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.



Protested Bills  
of Exchange  
Bill.

Ordered, That Mr. Morrison have leave to bring in a Bill to regulate and make uniform the rates of damages on Protested Bills of Exchange in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the fifteenth day of February next.

Constituencies.

Ordered, That the Return to the Address of this House to His Excellency the Governor General, for a Tabular Return of the names of various Constituencies in Upper and Lower Canada, and of the number of Representatives and Inhabitants of each Constituency, laid before this House on the 29th instant, be printed for the use of the Members of this House.

MR. WILSON<sup>9</sup> moved the house into Committee of the whole, to consider the expediency of paying Jurors in Upper Canada.<sup>10</sup>

(56)

On motion of Mr. Wilson, seconded by Mr. Scott, of Two Mountains,  
Petit Jurors,  
(U.C.) Resolved, That this House do now resolve itself into a Committee, to consider the expediency of paying Petit Jurors in Upper Canada.

The House accordingly resolved itself into the said Committee.  
Mr. Watts took the Chair of the Committee;

MR. WILSON then moved that it is expedient that all jurors of Courts of Nisi Prius, Jail Delivery, Districts Courts, Quarter Sessions, &c., should be paid 5s. per day for their attendance, and 6d. per mile, to be paid out of the fees on records, partly by the defendants in cases where they now pay costs, and the remainder out of the District funds. At present 15s. were paid on records at assizes and 7s. 6d. at sessions. This would be continued with this difference, that whether the case were tried or not, the fees must be disbursed, instead of the payment taking place only when there was a trial. The second fund he had mentioned was from the costs paid by defendants in cases of assault, &c.; and the third from the funds of the District. He believed there was no one who would more willingly be guided by the opinion of the House; but he believed there would be no better way found to raise the money. If the routine of the juries were perfect, there would be little necessity, perhaps for this law; but it too often happened that the burden now fell on a few individuals, and he had known some to come to the court with sugar on their backs to pay their expenses.<sup>11</sup>

MR. J. SCOTT (Bytown) thought the proper way would be to make the sheriffs summon juries fairly. If not he thought the bill should be introduced by Government. The payments should be made, too, out of the consolidated fund, as they were in Canada East.<sup>12</sup>

MR. WILSON: for it is the same as in Canada West.<sup>13</sup>

MR. J. SCOTT ((continued:)) Well to give 5s. per day to petty jurors, would induce many to endeavour to get on juries. Besides the hon. member had forgotten grand jurors.<sup>14</sup>

MR. WILSON would reduce the sum, but he thought it not too much to pay

jurors as much as witnesses. He had left it to the District Councils to pay the grand jurors or not.<sup>15</sup>

MR. J. SCOTT still objected to lay additional burdens on the people of the Province. If all parties were called on to do their duty fairly there would be no necessity for this bill. But this would besides prevent the packing of juries, which was very common in Canada West. In the Eastern District there had been occurrences by no means creditable to the District, or the parties who administered justice there.<sup>16</sup>

MR. RICHARDS said every man from the judge to the crier was now paid, and the jurors ought not to be the only parties neglected.<sup>17</sup> Upon comparison of facts, as contrasted with each other in the two sections of the Province, as to the amount expended in the payment of Petit Jurors and Witnesses in each respectively, it would be found that the Upper much exceeded that in the Lower. It was stated that 5s. per diem, and mileage, was to be allowed in the present instance to Jurors.<sup>18</sup> He did not believe it would, in fact, be the case, that perfect justice would be done if all householders were summoned in turn. Persons living at a distance from Court, and those in unsettled places, where they had to pay strangers to attend to their business while they were away, were in a far worse position than those near the Court House, and those in settled districts. He thought if they went so far with suits to have bills taxed with £4 or £5, the additional fee of \$3 on the record would be very little. He would recommend his hon. friend, however, to include fines imposed by magistrates in this bill.<sup>19</sup> Some districts were certainly in debt, and others not; but he thought that the means requisite for paying, as proposed, might be derived from the amount raised on tavern licenses, thus making the source a general one.<sup>20</sup> He was also in favour of the sum of 5s. per day being paid, which was not a bit too much, and the mileage would not pay the expense. There was no doubt how (sic), that it would be proper to have the juries properly selected.<sup>21</sup> He alluded to the State of New York, where the parties so serving were paid<sup>22</sup> 5. per day<sup>23</sup> out of the general funds of each County, after the making of periodical estimates; and hoped that, before the end of the Session, some comprehensive plan to the same effect would be adopted in Upper Canada.<sup>24</sup>

MR. J. S. MACDONALD dwelt upon the crying evil now existing in Upper Canada, where a paltry pittance was doled out to Petit Jurors, when sworn in from time to time. He did not coincide with the plan just proposed. A vast number of individuals in Upper Canada<sup>25</sup> who hated litigation<sup>26</sup> never went to the Court House, save when called upon to act as Jurors. If these persons, many of them having to leave large families in danger of starvation during their absence, were not properly remunerated, the consequence would be, that a general burst of dissatisfaction would be heard from one end of Upper Canada to the other. He admitted the necessity of Jurors being paid for thus being torn from their business and connections, but his idea was, "let those that went to law pay for law"--"let those who danced pay the piper."<sup>27</sup>

You mean criminal cases, from an hon. member.<sup>28</sup>

MR. J. S. MACDONALD.--No, he meant that in criminal cases the expense



under the head before named should be defrayed out of the general funds of the District, which should decide who was and was not fit to serve in this capacity in civil cases. He then named two or three Districts<sup>29</sup>, (names unheard by us) in which the average number of records per term was 20. This would, under the proposed plan, give \$60; and<sup>30</sup> forty-eight jurors came to £12 per day, or £60 for five days<sup>31</sup> leaving only £20 out of civil cases towards the required payment.--<sup>32</sup> The hon. member for Leeds talked of fines; but in his Mr. McDonald's, District, they were quiet people, and were not fined. If the hon. member would confine his motion to affirming the expediency of paying jurors he would not oppose it.<sup>33</sup> The hon. member for London had proposed 5s. per day, as compensation. Could he possibly think this enough? Not having seen the Bill, he desired to have the pledge that it only involved the general principle of the payment of Jurors. Were this the case, all well and good.<sup>34</sup>

MR. WILSON said, he would strike out such part as would meet the views of the hon. member.<sup>35</sup>

MR. G. SHERWOOD (Brockville) said, it had been stated that if a fair rotation of jurors were taken, the necessity for the bill would be obviated. The amount to be received by records, would not, in his district, pay the jurors for one day.<sup>36</sup> The Provincial Fund ought to be charged. The interest in the question was Provincial.<sup>37</sup> He believed in Lower Canada witnesses were paid, and he was told that the sheriff of Quebec had paid the sum of £900 in one year for their attendance<sup>38</sup> ((and)) for jurors ... in criminal cases; why should not such a system extend to Upper Canada? When poor suitors were compelled to act,<sup>39</sup> it was well known ... ((they)) could not afford to lose their time, neither would it be fair to make them pay for those who did attend.<sup>40</sup> If they established the principle of paying the Jurors, certainly they ought to impose a fine on those who neglected to attend as such; this would cause some increase of funds. It had been said, let those who resorted to litigation bear the expense of it, but he said that this idea could not be carried out, consistently with a proper regard to the interests of the country. He maintained that, acting in a public capacity, they should be paid like other public officers, from the general Revenue.<sup>41</sup>

MR. H. BOULTON thought not only jurors, but witnesses should be paid.<sup>42</sup> Many a comparatively poor man came from a distance to act in the capacity of Juror without the means of paying his daily sustenance, unless he submitted to the humiliation of acknowledgment of his poverty.<sup>43</sup> It was a very hard thing<sup>44</sup>. He did not oppose the general object of the Resolutions, but left it to those who started the measure to devise the source, the ways and means, for payment.<sup>45</sup> If nothing could be saved from the present expense, he might see what could be done.<sup>46</sup> The allusion of the hon. member for Leeds to the State of New York was not applicable to the present case, inasmuch as there direct taxation was resorted to, on the Public Works; it mattered not whether the funds were derived from one County or another,--but here the case was totally different.<sup>47</sup> In Upper Canada, in like manner, there had been a system of direct taxation, which people had got accustomed to, but<sup>48</sup> not so Lower Canada; perhaps it was on account of local feelings or laws that

Lower Canada had not the means of doing the same as the other section; perhaps the people were not content to pay, and did not pay. He would not betray the interests of his constituents; and if, in the case of Lower Canada, when public matters, such as Court House, Goal, &c., were provided out of the Consolidated Revenue, why not the same system in both sections, for they were united in one, and were presumed to have a common interest?<sup>49</sup> He wanted, if jurors were paid, that both sections of the Province should be put on the same footing.<sup>50</sup> It was time enough to consider the means of paying when the Public Accounts were laid before them, and gave them the means of correct judgment; this he said not with a view of blaming the Government.--<sup>51</sup> Now, if he remembered rightly, the incidental expenses paid for the administration of justice last year in U. C.; were (sic) £24,000 per annum. He was told, too, that witnesses who came down to Montreal from C.W., went back with £14 or £15 in their pockets. That was quite unreasonable, for a few days of steamboat travel.<sup>52</sup> Not so in Canada West, where a long distance had to be travelled, and hardship, perhaps, to be endured. The consideration of the wherewith of paying could be postponed till the time he had just mentioned, when he trusted a uniform system<sup>53</sup> of greater economy<sup>54</sup> could be organized.<sup>55</sup>

MR. J. S. MACDONALD (Glengarry) said that he knew a man who had a horse stolen from him, and had come to Montreal in search of it, and found it in a cab in McGill Street. The man had received £15 for seizing his own horse.<sup>56</sup>

MR. WILSON was willing to strike out all after the words, "confirming the principle of paying jurors,"<sup>57</sup> to leave the matter in the same state as when he showed the Bill to the hon. member for Cornwall,<sup>58</sup> and would be content if the House admitted the principle of paying juries.<sup>59</sup>

MR. AT. GEN. BALDWIN thought local taxation ought to be resorted to. The Resolution ought not to contain mere general matter--a mere abstract principle.<sup>60</sup> He would therefore prefer that some general system were pointed out, either that jurors should be paid from the district funds, or from the general fund of the Province.<sup>61</sup> The qualification ought to be based upon the provisions of the Assessment Law; the proposed measure would altogether militate against such a position. He hoped to be able to bring forward a scheme based upon the Act of 1843, for an efficient system with regard to Jurors, although the many calls upon him this Session would not at present enable him to carry out his desires. With regard to what fell from the hon. member for London, he had one remark to make; the tax ought to fall equally on the community, the payment to be as generally divided as possible<sup>62</sup> although, as had been stated by his hon. friend the member for Leeds, it could not fall alike on all parties who had to attend as jurors; some persons having to travel long distances, while others resided in the vicinity of the court.<sup>63</sup> And, in leaving it to local taxation, he would not make the latter compulsory, but would leave it to the different Municipalities<sup>64</sup> as to the principle they would adopt,--whether they would make it imperative on all to attend, or make a general assessment on all. On this point they might legislate for themselves.<sup>65</sup> If in large Districts they thought all the Municipalities ought to be equally taxed, they would cause it to be done, or they would otherwise suit themselves to their local circumstances; but the



public funds ought not to be touched--(Hear, hear.)<sup>66</sup> He was satisfied that the present system, by which the expenses of administration of justice throughout the Province were charged on the consolidated fund, must sooner or later be changed, and that in Lower, as well as Upper Canada, it would be necessary to go back to the principle of paying these charges from funds raised by local taxation.<sup>67</sup> And, entertaining that opinion, he could not consent to the laying additional burdens on the present depressed Revenue. If he would, in a general way allow of such a thing, the present state of the finances entirely forbid it. He was ready to go as far as any man for establishing the system of paid Jurors.<sup>68</sup>

MR. H. BOULTON should move that the Committee do rise, report progress, and ask leave to sit again. He applauded the ideas of the Attorney-General West. If his suggestions had been long ago adopted it would have caused the saving of a vast amount<sup>69</sup>, one half<sup>70</sup> of incidental expenses to the Province<sup>71</sup>, if they were paid out of the local funds. He had glanced over the new municipal law, and he thought there was scarcely anything to cavil at. He, however, gave notice, that he would move in amendment to it, that a certain percentage of the most fit persons for jurors should be returned by the Councils of each Municipality to the Clerk of the Peace,<sup>72</sup> a ballot should then take place, in ... presence of the Sheriff, for persons to act as Jurors for the year. Thus no fraud, favoritism, or packing, could occur.<sup>73</sup>

MR. WILSON repeated the observations already reported as having fallen from him.<sup>74</sup>

MR. BADGLEY thought juries should be paid<sup>75</sup> for their services<sup>76</sup> in C. E. as well as C. W., for he had known cases of the greatest hardships under the present law. He did not care from what fund the payment was made.<sup>77</sup>

MR. MCCONNELL said, there were no two minds upon this subject, as to whether jurors should be paid. The only difficulty was to find the money. He approved, however, of the principle mentioned by the hon. Attorney-General West--that of each municipality deciding whether it would tax itself to pay its own jurors. People now had to come from his part of the country, one hundred miles, to Montreal, at their own expense.<sup>78</sup>

MR. J. SCOTT (Bytown) thought that Upper Canada members should themselves look to these measures of a purely local nature, such as Municipal taxes. If the present satisfied the Upper Canadian, why, let it alone; if not, let Ministers at once bring the necessary measures.<sup>79</sup> If the Provincial revenue could not pay this expense, no more could the Districts. His could not, for example they had a Jail and Court House still unpaid for.<sup>80</sup> He denounced the doctrine of unfortunate fellows who came from remote distances, &c., being more heavily taxed than others.<sup>81</sup>

MR. INSP. GEN. HINCKS understood that the hon. member for London intended to leave the matter to the free will of parties in their districts.<sup>82</sup>

MR. WILSON denied having assumed such a position. He had shown a

draft of his measure to the hon. member of the Fourth Riding.--Why, he would ask, was the East to be put at antagonism with the West? All he asked was to have the Bill printed, and then the hon. members could suggest and act as they saw fit.<sup>83</sup>

MR. J. SCOTT.--The other night, ministers prevented the hon. member for Norfolk from bringing in a bill about roads and bridges, because they desired to assume the responsibility of the measures.<sup>84</sup> Now if they did so act in a case of a few paltry roads and bridges.--(Order, order.) Well, well, then, the highways; let them do so now, they might as well let the hon. member for London bring in a money Bill for £5000, for any purpose he thought proper. Ministers were the mouthpiece of the country, and in these cases involving fresh burdens on the Exchequer, they ought to take the initiative.<sup>85</sup> Now, why should they not take upon themselves the responsibility in the present case, which involved the administration of justice in the entire country, and the taxing of each District to the extent of thousands of pounds a year? Why not put a clause in the municipal bill to allow municipalities to tax themselves for this purpose.<sup>86</sup> Not a single petition upon this Jury question, that he was aware of, had been laid before the House; not a single article upon the matter had appeared in the Upper Canada papers, and if any agitation had taken place respecting it, he certainly thought they would have heard of it in that House.<sup>87</sup>

MR. FLINT concurred in the necessity of relief in the case of Jurors, before the House. Had he known shortly before, that this subject was to be broached to the House, he could have produced the evidence of those who had seriously felt the alleged grievances;<sup>88</sup> persons had had to wait on the Court for a length of time, and were required to act as jurors that when they left for their homes, left with a debt on them which they had contracted in the taverns where they stopped, not having received a single dollar for their attendance. He thought if there was no other way of raising a fund, the incomes of the Attorneys or counsel ought to be taxed for the purpose of paying jurors. (Hear, hear,<sup>89</sup> and laughter.)<sup>90</sup>

MR. AT. GEN. BALDWIN deprecated the doctrine of Ministers being called upon to assume the responsibility laid to their charge; if such was the case with these local projects of individual members, they would have enough to do, in all conscience; it certainly was the duty of Ministers to watch over the general welfare of the country, and to advise the House upon it. He maintained that they had done their duty, in this respect, to the entire satisfaction of the country, but he denied the extreme responsibility sought to be laid upon them.<sup>91</sup> This was a question which must sooner or later be taken up, and what really appeared to be a great handicap in persons called upon as jurors must be obviated. Provided the measure of the hon. member for London should assume a shape he approved, he would support it. He thought it would, perhaps, be better to leave it to the Municipal Councils to impose a tax or act, as they thought fit. At present he was prepared to vote for the general resolution proposed, and he should be prepared to give the subject due consideration, when the proper time arrived.<sup>92</sup>

MR. H. BOULTON (Norfolk) wished them to adopt his motion for the House to rise and report progress. He would suggest that the bill be postponed



till next session, when the Municipal Bill would be before the country; and, if the House thought fit, it might be amalgamated with it.<sup>93</sup>

MR. J. S. MACDONALD (Glengarry) said, that if the Committee rose without reporting, the Bill could not be printed.<sup>94</sup> ((He)) would like to see the bill printed, and sent to the District Councils, when the opinions of such Councils could be obtained. If Councils were in favour of it, a clause could be inserted to give them the power to raise a fund by local taxation. He felt convinced that it was a fair principle that jurors be paid. He was, therefore, anxious that the House affirm the statement that it was the opinion of the House that jurors should be paid. The House might then rise and report progress, and, having admitted the principle, the bill could then be printed, and sent to the District Councils.<sup>95</sup>

MR. PRES. EX. COUN. MERRITT thought the resolution ought to prescribe the way in which jurors should be paid.<sup>96</sup>

MR. AT. GEN. BALDWIN thought that if the resolution declared that the payment should be from local sources, it would cover the difficulty.<sup>97</sup>

MR. H. BOULTON suggested that it should be worded in this manner: "Provided funds can be provided out of local sources, with the consent of the Municipal Councils. (Cries of question.)"<sup>98</sup>

The motion was then amended, so as to affirm the principle of paying petty jurors from local sources, but leaving the provisions of the required funds for future consideration.<sup>99</sup>

MR. BADGLEY much regretted that the character of the measure was not of a more universal nature; that it did not include both sections of the Province.<sup>100</sup> ((He)) moved an amendment to strike out the word "Upper," so as to make the word applicable to both sections of the Province.<sup>101</sup>

MR. AT. GEN. LAFONTAINE had no objection to this motion if it was only to affirm the principle of the payment of petty jurors, but he would like to ask the hon. member for Missisquoi by what mode the money to provide for this payment of Jurors was to be raised?<sup>102</sup>

MR. BADGLEY merely desired to affirm the principle in Lower as well as in Upper Canada. As to the mode of doing it that was a subject for future legislation.<sup>103</sup>

MR. INSP. GEN. HINCKS said, that if this amendment was carried it would greatly embarrass the hon. member for London, who had a bill prepared for Upper Canada, which would not be applicable to Lower Canada. The sole object of this measure was not to compel Municipal Councils to pay Jurors, but to leave it optional with them to do it. This amendment would affirm a principle, but it could lead to no truth.<sup>104</sup>

COL. GUGY thought that as far as the motion went, it was merely confirming the principle that Jurors should be paid. He believed, however, that the carrying of the system out would be involved in some difficulty.<sup>105</sup> Those who wished the two sections placed on the same footing were certainly in some difficulty. It was a common fashion to make fish of one and flesh of the other; to do all for one, and nothing for the other.<sup>106</sup>

If it were possible to legislate for both Upper and Lower Canada, and thus make the thing co-extensive, the bill might be simplified, to meet the views of the people of both sections of the Province. They were both subjects of the same country, and really there should be no difference in their laws, or if there were a difficulty in making the bill meet the opinions of the Lower Canada members, perhaps if his hon. friend the member for London could be induced to lay the bill before his hon. friend the member for Missisquoi the difficulty might be got over.<sup>107</sup> They, the Ministers, undoubtedly had the confidence of the country. It had been said the country was every way embarrassed. What! the Ministers embarrassed with all the resources at their command, their banks, their famous paper system! He went on with two or three similar sarcastic allusions to the Ministry--<sup>108</sup>

MR. WILSON would object to the amendment of the hon. member for Missisquoi, as it went to swamp the principle of the bill as regarded Upper Canada, seeing it was likely to be opposed by the hon. members from that part of the Province. If the hon. member for Missisquoi wished to defeat the bill, to attach his amendment to it would have that effect.<sup>109</sup>

MR. W. SCOTT (Two Mountains) did not think the House should legislate on this subject for both portions of the Province. He for one had been taken by surprise by the amendment moved by the hon. member for Missisquoi consequently he could not vote for it. If he would give notice of such a motion he would be prepared to give his opinion on the subject, but at present he could not.<sup>110</sup>

MR. BADGLEY ... did not see why some measure of a common object for Upper and Lower Canada, to meet the views of all parties, should not be introduced,<sup>111</sup> as they were inhabitants of the same Province, he thought there ought to be no great difficulty in legislating on this subject. As a bill relating to the Judicatory of the country was to come before the House,<sup>112</sup> which he presumed would probably decide what was right in this particular.<sup>113</sup> He thought if the principle of paying jurors was admitted, a clause might be introduced into it, as to how they should be paid. If this amendment tended to endanger the motion of the hon. member for London he would withdraw it<sup>114</sup> and bring forward a resolution at another time.<sup>115</sup>

MR. J. SCOTT (Bytown) moved in amendment that all the words after "these sources" be struck out, and the words "in a manner to be provided for by the Municipal Act" appended.<sup>116</sup>

MR. J.S. MACDONALD ... was amused and astonished at the hon. member for Bytown going so far as to pledge himself, in advance, that he would support the measures, provided only that they merely emanated from the present Ministry. This was certainly a very pretty principle for them to go upon.--(Hear, hear.)<sup>117</sup>

MR. J. SCOTT (Bytown) had proposed this amendment because he did not approve of the Ministry shirking this measure, the responsibility of which ought to be on their shoulders. He would press it.<sup>118</sup>

The amendment was rejected.<sup>119</sup>



The original resolution ((was)) carried<sup>120</sup>.

(56)

and after some time spent therein,

(57)

Mr. Speaker resumed the Chair;

And Mr. Watts reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

Crier and Tip-  
staff of the Dis-  
trict of Montreal.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, --Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 23rd January, 1849, praying that he would cause to be laid before the House, a Statement, in detail, of the income derived in virtue of their offices, by the Crier and Tipstaff, respectively, of the Court of Queen's Bench for the District of Montreal, for the last five years, distinguishing the several sources of such income.

Appendix (O.)

For the said Return, see Appendix (O.)

Navigation  
Laws.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, reported that he had, according to Order, waited upon His Excellency the Governor General, on the part of this House, with the Joint Addresses of both Houses on the subject of the Navigation Laws; and that His Excellency had been pleased to say, that he would transmit the Address to Her Majesty to the Secretary of State for the Colonies, that the same may be laid at the foot of the Throne.

Limitation of  
Actions Bill.

The Order of the day for the second reading of the Bill to alter the Law relating to the limitation of Actions in this Province, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Laws of  
Patents Bill.

The Order of the day for the second reading of the Bill to consolidate and amend the Laws of Patents for Inventions in this Province, being read;

Ordered, That the Bill be read a second time, on Monday next.

Law of Evi-  
dence Bill.

The Order of the day for the second reading of the Bill to improve the Law of Evidence, and to abolish unnecessary Oaths, being read;

Ordered, That the Bill be read a second time, on Tuesday, the thirteenth day of February next.

Libel Law  
Bill.

The Order of the day for the second reading of the Bill to amend the Law respecting Libel, being read;

Ordered, That the Bill be read a second time, on Friday, the sixteenth day of February next.

Warehouse-  
men's Pun-  
ishment Bill.

The Order of the day for the second reading of the Bill for the punishment of Warehousemen and others giving false receipts for Merchandize, and of persons receiving advances upon Goods, and afterwards fraudulently disposing of the same, being read;

Ordered, That the Bill be read a second time, on Thursday, the eighth day of February next.

Townships  
Erection Bill.

The Order of the day for the second reading of the Bill to confirm the Erection of certain Townships, and for other purposes relative to the Erection of Townships, being read;

Ordered, That the Bill be read a second time, on Friday next.

Election Bill.

The Order of the day for the second reading of the Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof, being read;

Ordered, That the Bill be read a second time, on Friday next.

Offenders'  
Treaty Bill.

The Order of the day for the second reading of the Bill for better giving effect, within this Province, to a Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain Offenders, being read;

Ordered, That the Bill be read a second time, on Friday next.

Real Property  
Conveyances  
Bill.

The Order of the day for the second reading of the Bill for removing doubts as to the legal effect of the Act of the Legislature of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, "An Act for rendering valid Conveyances of Lands and other immoveable property held in free common socage within the Province of Lower Canada, and for other purposes wherein mentioned," and for the greater uniformity of the Law relative to Real Property in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

Road and  
Bridge Com-  
panies (U. C.)  
Bill.

The Order of the day for the second reading of the Bill to authorize the formation of incorporated Road and Bridge Companies in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Friday, the ninth day of February next.

Bill respecting  
Aprons to Mill  
Dams.

The Order of the day for the second reading of the Bill to repeal the several Laws now in force in Upper Canada, regulating the construction of to Mill Dams, and to make provisions for better defining the mode of constructing the same, being read;



The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Thursday, the eighth day of February next.

Bill to abolish imprisonment for Debt.

The Order of the day for the second reading of the Bill to abolish Imprisonment for Debt and to punish fraudulent debtors, being read;

Ordered, That the Bill be read a second time, on Thursday, the eighth day of February next.

Bill to relieve certain persons from Arrest for Debt.

The Order of the day for the second reading of the Bill to relieve from Arrest for Debt in Lower Canada, persons residing in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Thursday, the eighth day of February next.

Pilots' Apprentices Bill.

The Order of the day for the second reading of the Bill to compel Pilots' Apprentices to qualify themselves to pilot vessels by the north channel of the River St. Lawrence, below the Island of Orleans, and to oblige the Trinity House of Quebec to lay down buoys to mark the shoals in the said channel, and to facilitate the traverse from the south to the north, from Isle aux Reaux to Cap Tourment, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Longueuil and Chambly Turnpike Road.

The Order of the day for the House in Committee, to consider the expediency of amending the Ordinance 4 Vic. c. 16, in so far as it relates to the manner of levying Tolls on the Longueuil and Chambly Turnpike Road, being read;

The House accordingly resolved itself into the said Committee.

Mr. Seymour took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

(58)

And Mr. Seymour reported, That the Committee had come to a Resolution.  
Ordered, That the Report be received to-morrow.

Productions of the United States.

The Order of the day for the House in Committee, to enquire into the expediency of providing for the free admission of certain Articles of the growth or production of the United States into Canada, upon the like Articles the production of Canada being admitted into the markets of the United States on the same terms, being read;

Ordered, That the said Order of the day be postponed until Friday next.

Then, on motion of Mr. Smith, of Frontenac, seconded by Mr. Watts,  
The House adjourned.

APPENDIX: 31 JANUARY 1849.

((NOTICE OF QUESTION RE: BRIDGING LAKE CHAMPLAIN.))<sup>121</sup>

MR. HOLMES gave notice that he would, on Friday next, inquire of Ministers if they have taken any steps to prevent the bridging of Lake Champlain by the Ogdensburgh Railway Company, thereby violating the existing treaties which guarantee to British subjects, and to the citizens of the United States the uninterrupted navigation of the Lake. This inquiry is to be made with a view to the introduction of a bill to connect the waters of the St. Lawrence with Lake Champlain.<sup>122</sup>

((QUESTION AND ANSWER RE: NUMBER OF CLERKS EMPLOYED IN HOUSE OF ASSEMBLY.))<sup>123</sup>

MR. CHRISTIE ((asked)) a question.<sup>124</sup>

MR. MORIN, the SPEAKER stated that a number of extra clerks had been employed since the beginning of the Session, in the offices of the House, owing to the great increase of business, and that he believed it would be found necessary to employ a great number more.<sup>125</sup>

((COMMENT BY BILLA FLINT.))<sup>126</sup>

MR. FLINT, whom we have already noticed as the author of several dry sayings, rather surprised hon. members by stating that he was in the habit of waddling, with an empty belly, up to his neck in the water.<sup>127</sup>

This ingenious confession was received with appropriate sympathy by the House.<sup>128</sup>



## FOOTNOTES: 31 JANUARY 1849.

1. The debate on this matter was reported by: PILOT, 2 February 1849, BRITISH WHIG, 6 February 1849, which acknowledged MONTREAL HERALD as its source, GLOBE, 10 February 1849, BROCKVILLE RECORDER, 8 February 1849, and PACKET, 10 February 1849, in identical accounts. The GLOBE is reproduced instead of the PILOT which is difficult to read.
2. GLOBE, 10 February 1849.
3. The debate on this motion is reported by: MONTREAL GAZETTE, 2 February 1849; PILOT, 2 February 1849, BRITISH WHIG, 6 February 1849, which acknowledged MONTREAL HERALD as its source, BROCKVILLE RECORDER, 8 February 1849, and GLOBE, 10 February 1849, which left out some speakers, in identical accounts. LA MINERVE, 1 February 1849, noted the debate. Commentaries may be found in: PILOT, 2 February 1849, copied by PACKET, 17 February 1849, commenting on the new hours of the Legislative Assembly. The GLOBE, 10 February 1849, will be used instead of the less legible PILOT whenever selections are taken from their identical accounts.
4. GLOBE, 10 February 1849.
5. MONTREAL GAZETTE, 2 February 1849.
6. IBID.
7. IBID.
8. IBID.
9. The debate on this motion was reported by: LA MINERVE, 1 February 1849; MONTREAL GAZETTE, 2 February 1849, and HAMILTON SPECTATOR, 10 February 1849, in identical accounts; PILOT, 2 February 1849, BATHURST COURIER, 9 February 1849, PACKET, 10 February 1849, BROCKVILLE RECORDER, 8 February 1849, and GLOBE, 10 February 1849, in identical accounts, except that BATHURST COURIER reported fewer speakers. The PACKET is illegible in parts. The MORNING CHRONICLE, 7 February 1849, and LE JOURNAL DE QUEBEC, 6 February 1849, summarized the debate. The HAMILTON SPECTATOR is used rather than the MONTREAL GAZETTE, and the GLOBE, instead of the PILOT, as the MONTREAL GAZETTE and PILOT are quite difficult to read. Throughout this debate the HAMILTON SPECTATOR wrongly identified the speaker as coming from Cornwall rather than Glengarry.
10. HAMILTON SPECTATOR, 10 February 1849.
11. GLOBE, 10 February 1849.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. HAMILTON SPECTATOR, 10 February 1849.
19. GLOBE, 10 February 1849.
20. HAMILTON SPECTATOR, 10 February 1849.
21. GLOBE, 10 February 1849.
22. HAMILTON SPECTATOR, 10 February 1849.
23. GLOBE, 10 February 1849.
24. HAMILTON SPECTATOR, 10 February 1849.
25. IBID.

26. GLOBE, 10 February 1849.
27. HAMILTON SPECTATOR, 10 February 1849.
28. IBID.
29. GLOBE, 10 February 1849, described these as "outer" districts.
30. HAMILTON SPECTATOR, 10 February 1849.
31. GLOBE, 10 February 1849.
32. HAMILTON SPECTATOR, 10 February 1849.
33. GLOBE, 10 February 1849.
34. HAMILTON SPECTATOR, 10 February 1849.
35. IBID.
36. GLOBE, 10 February 1849.
37. HAMILTON SPECTATOR, 10 February 1849.
38. GLOBE, 10 February 1849.
39. HAMILTON SPECTATOR, 10 February 1849.
40. GLOBE, 10 February 1849.
41. HAMILTON SPECTATOR, 10 February 1849.
42. GLOBE, 10 February 1849.
43. HAMILTON SPECTATOR, 10 February 1849.
44. GLOBE, 10 February 1849.
45. HAMILTON SPECTATOR, 10 February 1849.
46. GLOBE, 10 February 1849.
47. HAMILTON SPECTATOR, 10 February 1849.
48. GLOBE, 10 February 1849.
49. HAMILTON SPECTATOR, 10 February 1849.
50. GLOBE, 10 February 1849.
51. HAMILTON SPECTATOR, 10 February 1849.
52. GLOBE, 10 February 1849.
53. HAMILTON SPECTATOR, 10 February 1849.
54. GLOBE, 10 February 1849.
55. HAMILTON SPECTATOR, 10 February 1849.
56. GLOBE, 10 February 1849.
57. IBID.
58. HAMILTON SPECTATOR, 10 February 1849.
59. GLOBE, 10 February 1849.
60. HAMILTON SPECTATOR, 10 February 1849.
61. GLOBE, 10 February 1849.
62. HAMILTON SPECTATOR, 10 February 1849.
63. GLOBE, 10 February 1849.
64. HAMILTON SPECTATOR, 10 February 1849.
65. GLOBE, 10 February 1849.
66. HAMILTON SPECTATOR, 10 February 1849.
67. GLOBE, 10 February 1849.
68. HAMILTON SPECTATOR, 10 February 1849.
69. IBID.
70. GLOBE, 10 February 1849.
71. HAMILTON SPECTATOR, 10 February 1849.
72. GLOBE, 10 February 1849.
73. HAMILTON SPECTATOR, 10 February 1849.
74. IBID.
75. GLOBE, 10 February 1849.
76. HAMILTON SPECTATOR, 10 February 1849.



77. GLOBE, 10 February 1849.
78. IBID.
79. HAMILTON SPECTATOR, 10 February 1849.
80. GLOBE, 10 February 1849..
81. HAMILTON SPECTATOR, 10 February 1849.
82. IBID.
83. IBID.
84. GLOBE, 10 February 1849.
85. HAMILTON SPECTATOR, 10 February 1849.
86. GLOBE, 10 February 1849.
87. HAMILTON SPECTATOR, 10 February 1849.
88. IBID.
89. GLOBE, 10 February 1849.
90. HAMILTON SPECTATOR, 10 February 1849.
91. IBID.
92. GLOBE, 10 February 1849.
93. IBID.
94. HAMILTON SPECTATOR, 10 February 1849.
95. GLOBE, 10 February 1849.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. HAMILTON SPECTATOR, 10 February 1849.
101. GLOBE, 10 February 1849.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. HAMILTON SPECTATOR, 10 February 1849.
107. GLOBE, 10 February 1849.
108. HAMILTON SPECTATOR, 10 February 1849.
109. GLOBE, 10 February 1849.
110. IBID.
111. HAMILTON SPECTATOR, 10 February 1849.
112. GLOBE, 10 February 1849.
113. HAMILTON SPECTATOR, 10 February 1849.
114. GLOBE, 10 February 1849.
115. HAMILTON SPECTATOR, 10 February 1849.
116. GLOBE, 10 February 1849.
117. HAMILTON SPECTATOR, 10 February 1849, which wrongly identified him as MacDonald of Cornwall. The GLOBE, 10 February 1849, identified him as MacDonald of Glengarry.
118. GLOBE, 10 February 1849.
119. IBID.
120. IBID.
121. The debate on this notice was reported by: PILOT, 2 February 1849, BRITISH WHIG, 2 February 1849, and 6 February 1849, which acknowledged its source as MONTREAL HERALD, BROCKVILLE RECORDER, 8 February 1849, BATHURST COURIER, 9 February 1849, and GLOBE, 3 February 1849, in identical accounts.
122. PILOT, 2 February 1849.

123. The debate on this matter was reported by: PILOT, 2 February 1849, BRITISH WHIG, 6 February 1849, which acknowledged MONTREAL HERALD as its source, BROCKVILLE RECORDER, 8 February 1849, and BATHURST COURIER, 9 February 1849, in identical accounts.
124. PILOT, 2 February 1849.
125. IBID.
126. The context of the following is unknown.
127. MORNING CHRONICLE, 7 February 1849.
128. IBID.



THURSDAY, 1 FEBRUARY 1849.

(58)

Bank State-  
ments.

MR. Speaker laid before the House, Statements of the Affairs of the Bank of Montreal; Commercial Bank of the Midland District; and La Banque de Peuple, received in conformity to an Order of this House of the twenty-fifth ultimo.

Appendix (P.)

For the said Statements, see Appendix (P.)

Agricultural  
Societies.

Also, Reports of Agricultural Societies in Upper Canada and Lower Canada, pursuant to Acts 8 Vic. c. 53 and 54.

Appendix (Q.)

For the said Reports, see Appendix (Q.)

Champlain and  
St. Lawrence  
Railroad.

Also, Statement of the Affairs of the Champlain and St. Lawrence Railroad Company, as required by the Act 2 Will. 4, c. 58.

Appendix (R.)

For the said Statement, see Appendix (R.)

Montreal and  
Lachine Railroad.

Also, Statement of the Affairs of the Montreal Lachine Railroad, as required by the Act 9 Vic. c. 82.

Appendix (S.)

For the said Statement, see Appendix (S.)

Sherbrooke  
Cotton Factory.

Also, Statement of the Affairs of the Sherbrooke Cotton Factory, as required by the Act 8 Vic. c. 91.

Appendix (T.)

For the said Statement, see Appendix (T.)

Montreal Mechanics  
Institute.

Also, Statement of the moveable property of the Mechanics' Institute of Montreal, as required by the Act 8 Vic. c. 98.

Appendix (U.)

For the said Statement, see Appendix (U.)

Canada Baptist  
Missionary  
Society.

And also, Statement of the immoveable property of Canada Baptist Missionary Society, as required by the Act 8 Vic. c. 102.

Appendix (V.)

For the said Statement, see Appendix (V.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of Abraham Pratt and others, of the Township of Marlborough, District of Dalhousie.

By Mr. Macdonald, of Glengarry,--The Petition of the Very Reverend John Macdonald, Vicar-General of the Diocese of Kingston, and others, the Clergy, Magistrates, and others, of the Eastern District.

By the Honorable Mr. Badgley,--The Petition of the Board of the Royal Institution for the advancement of Learning, in their capacity of Visitors of the University of McGill College, and of the Governors of the said University; and the Petition of the Honorable J. R. Rolland, Chief Justice of the District of Montreal, and others, of the City of Montreal.

By the Honorable Mr. Hincks,--The Petition of Andrew Smith and others, of the District of Brock.

By the Honorable Mr. Laterrière,--The Petition of Antoine Talbot, of the Parish of Berthier, County of Bellechasse.

By Mr. Brooks,--The Petition of W. H. Fowler, Esquire, and others, of Durham and other Townships in the County of Drummond, and of Melbourne and other Townships in the County of Sherbrooke; and the Petition of C. P. Reid and others, of the Township of Compton.

By Mr. Beaubien,--The Petition of the Reverend C. LaRocque and others, of St. Jean Dorchester, County of Chambly; and the Petition of the Reverend J. C. Léonard, of the City of Montreal.

By Mr. Méthot,--The Petition of P. M. Partridge and others, Accountants, Clerks, and Warehousemen of the City of Quebec.

By Mr. Notman,--The Petition of Henry Bechtel and others, of Dumfries and other Townships, in the Districts of Gore, Wellington, and Brock; and the Petition of A. Buchanan and others, of Dumfries and other Townships, of the Districts of Gore and Wellington.

By Mr. Davignon,--The Petition of James Motz, Esquire, of the City of Quebec, Advocate.

By Mr. Bell,--The Petition of John M. Ross and others, of the Township of Bromley and the surrounding country.

By the Honorable Mr. Macdonald,--The Petition of the Bank of Upper Canada, of the President, Directors and Company of the Commerical Bank, and of the Gore Bank.

By Mr. Fourquin,--The Petition of Pierre Cartier and others, of the St. François du Lac St. Pierre.

#### Petitions read.

Pursuant to the Orders of the day, the following Petitions were read:--

Of the Mayor and Councillors of the Town of Brantford; praying for certain amendments to the Act incorporating the said Town.

Of the Municipal Council of the District of Ottawa; praying that the Act 8 Vic. c. 14, may be so amended as to render it necessary for the Governor to issue Commissions of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, twice in each year, and to fix the days of opening and holding the said Courts.

Of J. Brazeau and others, of Ste. Martine; praying indemnification for losses sustained by them during the Troubles of 1837 and 1838.

Of John Molson, Esquire, Chairman on behalf of the Company of Proprietors of the Camplain and St. Lawrence Railroad; praying for a more equitable system of dues for Wharfage paid to the Harbour Commissioners.

Of the Reverend J. B. Grenier and divers inhabitants of the Village of St. Arsène de Kakouna; praying for a reduction in the price of Land in the Township of Viger, and for delay in the payment thereof,--and for aid to improve the Roads therein.

Of B. Dionne, Esquire, and others, of the Parishes of St. George de Kakouna, and St. Arsène de Kakouna, County of Rimouski; praying that the Parish of St. Arsène de Kakouna may be erected into a distinct Municipality for the purposes of education.

Of the Mayor and Councillors of the Municipality of Rimouski; praying for the more general distribution of the Provincial Statutes.

Of Alexis Gagné, of the Parish of St. Louis de Kamouraska; praying for the payment of the amount of his account as Returning Officer at the election of Parish Officers for the said Parish in the year 1841.



Of the Mayor and Councillors of the County of Rimouski; praying for a division of the said County for all purposes whatsoever, and that the

(59)

whole of the parish of Rivière du Loup may be included therein.

Of Messrs. LeMesurier, Tilstone, and Company, and others interested in the Timber Trade; complaining of the impediments to the Timber Trade by the construction of two Toll-Bridges at the Sault au Recollet, over the River des Prairies, and praying relief.

Of John Foran, and others engaged in the Timber Trade on the River Ottawa and its tributaries; praying that parties having licence to cut Timber on the waste Lands of the Crown may be protected by law from trespassers.

Of George P. de Boucherville, of Montreal, Esquire; praying the House to allow him to exhibit to them a Machine invented by him for the production of a self-renewing motive force, and for aid towards carrying the said invention into practice, if found worthy of such aid.

Of Baxter Bowman, Esquire, and others interested in the Timber Trade; complaining of the impediments to the Timber Trade, by the construction of two Toll Bridges over the River des Prairies at the Sault au Recollet, and praying relief.

Of the Reverend L. A. Bourret and divers inhabitants of the County of Kamouraska; praying that the prayer of the Petition for establishing the County Town in the Parish of Rivière du Loup be not granted.

Of John Burwell, of Port Burwell, in the District of London, Esquire; praying that Port Burwell be not placed under the control of a Company, but that it be continued as a public work, and provided for as such.

Of the Reverend Aeneas M'Donald and others, the Catholic Clergy and Laity of the Parish of Cornwall; praying that such provision be made for the College of Regiopolis as may place it upon a secure and permanent basis.

Of Charles Curtis Farran, of the Township of Osnabruck, County of Stormont; praying for the appointment of a Committee to inquire into his claims for damages sustained by the construction of the St. Lawrence Canal,-- and that he may receive compensation for the said damages.

Of Robert Hamilton, and others, of the District of Niagara; praying to be incorporated as the Queenston Suspension Bridge Company.

Of F. X. Thompson; praying for the amendment of the Act for the inspection and measurement of Lumber.

Of Mrs. Louise O. Beauzet, widow of the late Z. Grenier, and wife of J. H. Martin, of the Parish of St. Rémi, District of Montreal; praying indemnification for losses sustained during the Troubles of 1837 and 1838.

Of Mrs. M. A. F. Viger and other Ladies, the Directresses and Officers of the Montreal Catholic Orphan Asylum; praying aid in support of the said Asylum.

Of John Jacques and others, of the City of Toronto and of the Home District; praying for an Act of incorporation for the Independent Order of Odd Fellows, Manchester Unity.

Royal Assent  
to a Bill.

A Message from His Excellency the Governor  
General, by Frederick Starr Jarvis, Esquire,  
Gentleman Usher of the Black Rod:--

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Council Chamber. And being returned;

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's Name, the Royal Assent to the following Public Bill:--

Act of Grace.

An Act for the Queen's most gracious, general, and free Pardon.

Petitions of  
J. Jones and  
others;

Resolved, That the Petition of John Jones and others, of the Township of Walpole, be referred to a Select Committee composed of Mr. Thompson, the Honorable Mr. Boulton, Mr. Morrison, Mr. M'Farland, and Mr. Wetenhall, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Of G. Thomson  
and others,  
referred.

Resolved, That the Petition of George Thomson and others, of West Flamborough and other Townships, in the District of Gore, be referred to a Select Committee composed of Mr. Wetenhall

Mr. Thompson, Mr. Smith, of Wentworth, Mr. Notman, and Mr. Malloch, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Boundaries of  
Dunn and  
other Townships.

Mr. Thompson, from the Select Committee to which was referred the Entry in the Journal of this House, of 15th March, 1848, relating to the Petition of the Petition of the Municipal Council of the District of

Niagara, representing the desire for the confirmation of certain usages, and for certain alterations in the Boundaries of the Townships of Dunn, Canborough, Moulton, and Sherbrooke, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee beg leave to report that they have examined the Entry in the Journal of last Session referred to them, and find that there are several tracts or portions of land lying adjacent to the Townships of Canborough and Moulton which, though usually considered to belong to those Townships, have never been united to them by any competent authority; and as Your Committee think it desirable that the matter should no longer remain unsettled, they would recommend that these tracts of land should severally be declared to form part of the Townships to which they are contiguous, according to the following arrangement:--

That the tract of land adjoining the north-easterly side of the Grand River, known as the Dockstader tract, and that portion of the tract known as the Indian Reservation, lying west of the continuation of the Grand River of the allowances for Road between the Townships of Canborough and Moulton, shall be declared to belong to and be included in the Township of Canborough.

That the remainder of the said Indian Reservation lying directly east of the Road allowance above mentioned, be annexed to the Township of Moulton.



Interest of  
Money Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to amend the Laws concerning the Interest of Money.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the twentieth instant.

Cayuga Town-  
ship Division  
Bill.

Ordered, That Mr. Thompson have leave to bring in a Bill to divide the Township of Cayuga, in the District of Niagara, into two Townships.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

(60)

River du  
Chêne Im-  
provement Bill.

Ordered, That Mr. Scott, of Two Mountains, have leave to bring in a Bill to provide for the improvement of the River du Chêne, in the County of Two Mountains.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Trial of Im-  
peachments Bill.

Ordered, That Mr. Christie have leave to bring in a Bill to establish a Tribunal for the Trial of Impeachments by the Legislative Assembly of the

Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday, the fifteenth instant.

On motion of Mr. Smith, of Durham, seconded by Mr. Richards,

Weights and  
Measures.

Resolved, That this House do now resolve itself into a Committee, to take into consideration the propriety of amending the several Laws in force in Upper Canada with regard to the inspection of Weights and Measures.

The House accordingly resolved itself into the said Committee.

Mr. Chabot took the Chair of the Committee;<sup>1</sup>

MR. J. SMITH, of Durham, alluded to the Act 4 Geo. 4th, the first clause of which provided for the Inspection of weights and measures, appointing officers for that purpose; and the 2nd enacting a fee of 4d. for each stamp. This act had been amended by 5 Vict., chap. 16, the evil of which latter statute although providing, as before mentioned, did not compel those inspectors to visit the various parts of their districts, but remained at home for the purpose of estimating said stamps and measures. He complained that the duties of these officers as laid down in the 2nd. statute above mentioned, were not sufficiently clearly defined and extensive. They ought to pay such visits at least once a-year. Another deficiency of the Act was the want of a penalty for the infringement of its regulations. He was in favour of the delegating this duty to the officers appointed under the Imperial Act; the Law of Licenses, 4 Wm. 4 ch., who, by thus acting in two capacities at the same time, would save considerable expense to their districts.<sup>2</sup>

MR. G. SHERWOOD (Brockville), considered the present rate of fees to the Inspectors quite insufficient; if any alteration was intended, let the officers be properly paid.<sup>3</sup>

(60)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Chabot reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received to-morrow.

Third Report  
of Committee  
on Standing  
Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of M. A. Primeau and A. A. Trottier for authority to erect a Toll Bridge over the River Chateauguay, also, the Petition of L. G. Brown and others, in favor, and of the Reverend E. H. Blyth and others, against the application; and they find that the notices were first published by the Petitioners on the 2d December, and the Petition was presented on the 22d January last, being less than two months, (as required by the 66th Rule,) and consequently insufficient.

With reference to the Petition of the President, Directors, and Company of the Gore Bank, for a reduction of the value of each of their shares, and an increase of their Capital, Your Committee are of opinion that the 66th Rule does not apply to the bringing in, altering, or renewing of any Private Bill merely granting to individuals a corporate character for Banking or other such like purposes affecting the public at large rather than particular persons or localities, and therefore that this Petition does not come within the Rule, and need not have been referred.

Your Committee are also of opinion, that the Petitions of Benjamin Ouimet and others; T. M. Daly and others; of James Porter and others,--and the various other Petitions relating to a division of the County of Kent; of Louis Legendre and others; and of G. O'Kill Stuart and others, are not of such a nature as to require notice.

Gore Bank  
Bill.

Ordered, That Mr. Thompson have leave to bring in a Bill to amend the Act to incorporate the Gore Bank, and to increase the Capital Stock of the

said Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Taché, seconded by Mr. Chauveau,

Duties upon  
certain Imports.

Resolved, That an humble Address be presented to

His Excellency the Governor General, praying him to be pleased to lay before this House, the Returns of Duties levied upon Articles imported from the United States, which may be affected by the passing of an Act for establishing a system of reciprocal free exchange with the said United States.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.



MR. RICHARDS<sup>4</sup> in moving for leave to bring in a Bill to dispose of the interests of Mortgagory in Upper Canada, stated that the object of his measure was to render it unnecessary for the mortgagee to apply to the Court of Chancery, in the present mode, but to render the enforcement of his foreclosure, subject to the ordinary law of execution.<sup>5</sup>

(60)  
Bill relating to                      Ordered, That Mr. Richards have leave to bring in  
Mortgagers and                      a Bill to provide for the Sale under Executions  
Mortgagees                              of the interest of Mortgaters and Mortgagees in  
(U.C.)                                      real estate in Upper Canada.

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twelfth instant.*

MR. LAURIN<sup>6</sup>... moved for an address to His Excellency respecting the quantity of Lumber shipped from Quebec in 1848, the producers of the same, &c.,<sup>7</sup>

MR. INSP. GEN. HINCKS was surprised at the mention, it was, he said, impossible to ascertain from official record, the names of the producers of such produce he would, however, give such information as the Customs Department afforded.<sup>8</sup>

(60)  
*On motion of Mr. Laurin, seconded by Mr. Lemieux,*  
Lumber                                      Resolved, That an humble Address be presented to  
exported.                                      His Excellency the Governor General, praying  
     His Excellency to cause to be laid before this  
*House, by the proper Officer, a Statement of the quantity of Lumber shipped for exportation by sea, during the year 1848, on account of the producers and manufacturers of wood of the District of Quebec.*

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

M. CHAUVEAU<sup>9</sup>.--L'émigration des canadiens aux Etats-Unis n'a été connue, n'a commencé a frapper l'attention du public que depuis peu d'années. Jusqu'à présent, cette émigration qui avait reçu un grand élan lors des troubles politiques de 37 et 38, s'était borné à la population ouvrière des cités de Québec et de Montréal. C'était un mal bien grand; mais il a fait depuis un progrès considérable. Les paroisses du district de Québec qui n'avaient pas eu d'émigration sur un pied étendu, en ont eu une grande depuis quelque temps, elles ont vu quelquefois des familles entières, des chefs de familles, habitants à leur aise, et comparativement riches, vendre leurs terres et émigrer vers les états voisins; particulièrement dans les états de l'Ohio et du Wisconsin. Cette émigration est généralement connue sous le nom d'Emigration Ilinoise. Mais ils ne vont pas tous là. Un grand nombre se dirigent vers les états de l'Iowa et du Mississipi.<sup>10</sup>

Cette émigration peut se diviser en deux cathégories; l'émigration ouvrière, celle-là en grande partie revient, mais elle ne revient pas mieux qu'à son départ; et l'émigration qu'on appelle émigration agricole

qui consiste en habitants des campagnes qui vendent leurs terres, ce qui est nouveau, car jusqu'ici, elle ne consistait que des enfants des cultivateurs qui ne pouvaient pas se procurer de terre. Jusqu'ici on n'avait pas eu d'exemple de cette sorte d'émigration, on n'avait pas vu nos cultivateurs vendre leurs terres pour passer à l'étranger.

Je demande donc qu'on s'informe des causes de cette émigration et des moyens de la prévenir à l'avenir. Une des causes de cette émigration, de l'avis de tous, est le manque de récoltes ces années dernières; et une autre cause de cette émigration est la nouvelle, qui s'est répandue comme le vent, que dans l'ouest des Etats-Unis on avait un bon climat, un meilleur sol, et des récoltes abondantes, ce que confirmait la grande exportation de grain qui y a lieu, ce qu'on a souvent répété dans cette Chambre. C'est là une des principales causes de l'émigration canadienne.

Nombre des habitants qui se sont établis dans cette localité, sont venus voir leurs amis, et leur ont fait des rapports si favorables, qu'ils les ont engagés à quitter le pays. Déjà un grand nombre de familles sont parties<sup>11</sup> from the Counties of Portneuf and L'Islet,<sup>12</sup> et un plus grand nombre encore vendent leurs terres et se disposent à les suivre. D'autres causes ont contribué à amener cette émigration. Il y a par exemple le manque d'encouragement dans les travaux publics dans le Bas-Canada. Si le Bas-Canada avait été favorisé comme le Haut-Canada, il est certain que notre population eut trouvé de l'ouvrage et n'émigrerait pas ainsi qu'elle le fait. Encore une des causes que l'on peut donner à cette émigration, c'est le manque de chemins dans nos nouveaux établissements. Je sais ce qu'a fait l'administration pour l'établissement des townships; elle a eu à ce sujet des éloges très mérités de la part de la presse du pays. Je me rappelle cependant que le discours du trône ne contient que de allusions aux travaux dans le Haut-Canada et ne dit rien des travaux du Bas-Canada ou de la colonisation. En ce qui concerne le district de Québec, j'ai eu l'honneur de soumettre à l'administration différentes questions. Je crois qu'un des meilleurs moyens d'être utile à ce district, serait d'acquiescer aux demandes du gouvernement impérial au sujet du chemin de fer de Québec à Halifax.<sup>13</sup> The appropriation of £4,000,000 to that purpose<sup>14</sup>. Les chemins ne pourraient manquer de fournir du travail à nos ouvriers, de donner des marchés à nos cultivateurs et par là les engageraient à rester sur leurs terres. Le sujet est sous considération.

La cité de Québec s'attend à ce que le Canada ne restera pas en arrière de la Nouvelle-Ecosse et qu'on adoptera les mêmes mesures. Les Canadiens ne resteront pas en arrière sur un sujet si importun. Un autre sujet que j'ai mentionné et sur lequel on m'a donné une réponse négative, ce qui m'a bien fâché c'est le chemin pour établir une communication entre Québec et le Saguenay.<sup>15</sup> According to Mr. Blacklock's report if impracticable in one direction, it could be effected in another.<sup>16</sup> Il est louable de donner des terres à bon marché à nos habitants, mais il leur faudra des chemins et des moyens de communications avec les grands centres de population. Quand leurs produits seront nombreux et qu'ils ne pourront pas en vendre de surplus chez leurs voisins, il leur faudra aller les vendre à l'étranger. Des facilités dans les moyens de communications par la navigation à la vapeur de Québec au Saguenay, seraient un des meilleurs moyens d'être utile à ces localités.

On sait avec quelle difficulté nos habitants vont s'établir sur des territoires nouveaux. Un chemin propice leur procurerait l'occasion de visiter leurs familles pendant l'hiver et adouciraient ainsi leur sort pénible.



Une exploration a été faite par le département des terres pour s'assurer de la possibilité d'ouvrir ces communications. Il a fait à cet effet une ligne partant de l'embouchure de la rivière Jacques Cartier. Il n'a d'abord trouvé jusqu'à une très petite distance de Québec qu'un terrain primitif, composé en grande partie de roches de différentes espèces. Cela était décourageant, et on aurait été porté à abandonner le projet si cela eut continué, mais je pense qu'on trouvera un chemin dans une autre direction. Je ferai observer ce qui a eu lieu au Saguenay. Les habitants, contrairement à l'idée d'un arpenteur juré, se sont mis en tête de faire un chemin qu'ils croyaient leur être utile, et l'ont fait à bien meilleur marché qu'on le pensait d'abord. Je crois qu'en suivant le cours de la rivière M. l'orateur, on trouvera le moyen de faire le chemin que je propose de faire pour conduire au Saguenay, et je crois qu'il serait d'autant plus avantageux de la faire là où je l'indique et qu'on y trouverait des établissements déjà existants. Une autre raison qui me ferait croire que ce chemin serait praticable, c'est que les rives du Beaupré sont d'un terrain calcaire et d'un terrain granitique qui laissent une longueur considérable pour faire le chemin. Quelqu'attention donnée à ces différents sujets pourrait contribuer à empêcher l'émigration dans le district de Québec.

Il y a un autre sujet sur lequel j'ai cru devoir attirer l'attention de l'administration; je veux parler de la construction des bassins à Québec pour les vaisseaux.

Je regrette encore que le trésor public ne permette pas de faire ces travaux. J'espère cependant qu'on fera au moins quelque chose pour le district de Québec cette année. Ce district a été négligé de tout temps. Après avoir combattu pour les principes libéraux comme il l'a fait et avoir résisté aux sollicitations qu'on lui faisait sous l'administration précédente; et après avoir entendu dire à plusieurs reprises; joignez-nous et vous serez récompensé, il a été entièrement abandonné. J'espère donc qu'après avoir résisté à des sollicitations si pressantes qu'on voudra bien se le rappeler. Il a droit d'espérer qu'après avoir combattu pour la cause du parti libéral pour les réformes politiques de toutes sortes, il ne sera pas trompé; et il le serait grandement s'il n'obtenait ni réformes politiques ou réformes matérielles.

Il sera du devoir du comité que je me propose de faire nommer de s'enquérir de toutes questions touchant l'émigration. Je crois que le nombre des émigrants a été exagéré. Toujours il est bon que le pays sache ce qu'il en est, ainsi que les causes de cette émigration qui jette le découragement dans le pays. Il sera aussi du devoir de ce comité de s'informer du sort des personnes qui vont ainsi s'établir aux Etats-Unis. Il est fort possible qu'on exagère le bien-être qu'ils en retirent; et si cela est le cas, il est bon que ça soit connu et que ces émigrés apprennent qu'ici ils pourront s'assurer un avenir meilleur que celui qu'ils sont allés chercher à l'étranger.

Il y a un fait particulier sur lequel il serait bon d'avoir des renseignements, c'est sur le nombre des victimes qui succombent sous l'effet des fièvres en certains endroits où l'on émigre, ainsi, ou (sic) pourrait s'informer de l'étendue de ces maladies. Quand l'étendue de ces maladies sera bien connue, peut-être auront-elles l'effet de retenir nos habitants dans le pays. Je crois qu'il n'y a pas d'oeuvre plus belle que puisse entreprendre notre administration que celle de la colonisation. Il n'y a pas de population qui ait augmenté dans une proportion aussi considérable,

aussi rapide que celle du Bas-Canada. Lors de la conquête nous n'étions que 60,000, et aujourd'hui nous sommes près de 800,000, quoique nous ayons eu de grands malheurs, quoique l'établissement de la Louisiane et notre commerce de pelleterie nous aient enlevé beaucoup de bras.

Lorsqu'une population a pu ainsi se maintenir, malgré les efforts de sa métropole; lorsqu'elle a pu obtenir de sa mère-patrie des concessions aussi importantes que celles que nous avons obtenus et se faire une position aussi belle que celle que nous occupons avec l'usage de notre langue en parlement; il n'y a plus belle oeuvre pour une administration que de venir au secours de cette population qui pourra ainsi devenir riche et heureuse.<sup>17</sup>

COL. PRINCE said ... that the real cause of the desertion was the reform and progress that had been going on in that quarter.<sup>18</sup>

(60)

Emigration.

*Resolved, That a Select Committee, composed of Mr. Chauveau, the Honorable Mr. Papineau, Mr. Fortier, Mr. Lemieux, Mr. Watts, Mr. Taché, Mr. Christie, and Mr. Davignon, be appointed to enquire into the causes and importance of the emigration which takes place annually from Lower Canada to the United States; the class and, if possible, the number of persons who have emigrated during the last five years; the fate of the individuals and families who have emigrated, and the best means to prevent that emigration for the future, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

MR. WILSON<sup>19</sup>, in moving for leave to bring in a bill for remedy on Writ of Execution, stated that his object was to extend the right of seizure, so as to make it apply to money, Bills of Exchange, as well as to any real estate; to any available means, in fact, possessed by the party defendant.<sup>20</sup>

MR. J. S. MACDONALD (Glengarry) was in favour of the measure, in as much as it would tend to keep many persons clean of Chancery proceedings.<sup>21</sup>

MR. WILSON said he would be in favor of the abolishment of imprisonment for debt, except in cases of fraud. He desired to put interrogatories in cases of the Sheriff's return of "no goods to seize," to ascertain if other means were in existence; and if the result of such inquiries were satisfactory, he would not wish to attack the body.<sup>22</sup>

(60)

Writs of Execution Bill.

*Ordered, That Mr. Wilson have leave to bring in a Bill to extend the remedy by Writs of Execution.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the twentieth instant.*

*On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Cameron, of Kent,*

Speech to be considered.

*Ordered, That the speech of His Excellency the Governor General delivered to both Houses of the Provincial Legislature, be taken into consideration to-morrow.*



Duties upon  
certain Imports.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Executive the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 1st February, 1849, praying His Excellency to cause to be laid before the House, Returns of Duties levied upon Articles imported from the United States, which may be affected by the passing of an Act for establishing a system of reciprocal free exchange with the said

(61)

United States.

Appendix (W.)

For the said Return, see Appendix (W.)

Petit Jurors.

Mr. Watts, from the Committee to consider the expediency of paying Petit Jurors in Upper Canada, reported a Resolution; which was read, as followeth:

Resolved, That it is expedient that Petit Jurors attending the several Courts of Assize and Nisi Prius, Oyer and Terminer, General Gaol Delivery, and of the several Courts of Quarter Sessions and District Courts in Upper Canada, should be paid for attending such Courts, from local sources.<sup>23</sup>

MR. WILSON moved, seconded by MR. H. SMITH (Frontenac), that the House do concur in the recommendation of said report.<sup>24</sup>

(61)

The said Resolution being read a second time,

MR. H. SHERWOOD (Toronto) adverted to an inaccuracy in the report. The Jurors on Nisi Prius were already paid.<sup>25</sup>

MR. WILSON stated the object of the bill to be to pay Jurors so much per day and mileage. In criminal cases this to be defrayed out of the consolidated revenue, and the expenses in civil suits to be borne by local taxation in the various districts. He wished the bill to be read, and afterwards he would be happy to listen to any suggestion of the hon. Member for Toronto.<sup>26</sup>

MR. H. SHERWOOD, was against the local taxation as now proposed, although he favoured it as a general principle. In L. C. the various expenses of criminal jurisprudence were defrayed, out of the general consolidated revenues, why was not the same course adopted in Upper Canada. He alluded to what he considered the abominable system in the Upper Provinces, at the time of passing the Union Act, when local taxation for the purpose was practised. This had been altered, and why was this distinction now sought to be made; he would vote for local taxation if both sections were placed on the same footing in this respect, but as things now stood, he should move an amendment that the words "local taxation" be struck out.<sup>27</sup>

MR. WILSON said that Jurors were not paid in Canada East. Surely Upper Canada, therefore, could not grumble, if it paid its own Jurors, even though it were setting the example.<sup>28</sup>

MR. H. SHERWOOD knew that perfectly well, he had not said they were, he had merely referred to the general system there of paying the expenses

of the administration of Justice out of the consolidated revenue in civil cases, the Jurors were paid by the parties themselves in criminal cases. Mr. Wilson remarked, that the hon. Member for Toronto, had expressed his willingness that Upper Canada should herself pay her Jurors. His reason for his present proposal was, that he had heard it asserted that though Lower Canada followed a particular system, at present yet she did not mean to continue to pay out of the general revenue, if so, where was the injustice in calling upon Upper Canada to pay out of her own individual local means.<sup>29</sup>

MR. H. BOULTON, by way of recording his opinion, moved to strike out the last words of the motion "from local resources."<sup>30</sup>

(61)

*The Honorable Mr. Boulton moved in amendment thereunto, seconded by the Honorable Mr. Sherwood, That the words "from local sources," be left out.*

MR. AT. GEN. LAFONTAINE said, that at the passing of the Union Act, he condemned the<sup>31</sup> placing of the charge of criminal justice on the consolidated fund ... ((as)) an injustice, and was said to be so by Mr. Draper,<sup>32</sup> the Conservative leader<sup>33</sup> when he proposed it. Several members had confessed while they voted for the bill that it was an act of injustice which they carried only in deference to the wishes and clamors of their constituents. It was not less unjust because it was carried in deference to a political reason.<sup>34</sup> Lower Canada had not been consulted in the passing of the Union Act.<sup>35</sup> But it was the condition on which the Union Act was imposed, that the cost of the administration of Justice should be paid in Lower Canada out of the consolidated revenue. Had not Lower Canada a very large debt which she never contracted, saddled upon her by the Union Act? Why should she lose the equivalent?<sup>36</sup> He would not consent to the infliction of further injustice.<sup>37</sup> He had heard that the court-houses and jails in Lower Canada had been built out of the public revenue; but none since the Union. The jails of Three Rivers, Sherbrooke and Gaspé, had been paid out of the public revenues; but on condition that they should be repaid out of the taxes. At this very time a law was in force appropriating £30,000 by the Special Council for jails, which could not now be relized on account of the provincial finances. When the hon. gentlemen on the other side of the House proposed to pay for the administration of justice in Canada West, they had not the courage to provide for the collection of this money. The House might rely upon it, as soon as the finances were in a condition to accomplish it, that this £30,000 would be appropriated to the purpose for which it was granted.<sup>38</sup>

MR. J. SCOTT (Bytown) had, since the last meeting, made a calculation of the law that would be imposed upon one District alone, that of Dalhousie, and found that further expense would be entailed upon it of about £350 a year; was this to be tolerated. His constituents would not consent to this American bunkum system; this expense ought to be caused by petitions, by agitation, and to emanate from the Ministry. Were there not local taxes enough already in Upper Canada? Were not the farmers often obliged to force a sale of their produce to meet them? (O oh! oh!) and further impost of £350 was probably one-half as much again as that now paid. Would it be justifiable without petitions, agitation, or ministerial responsibility, to lay burdens upon the whole country. He hoped all



Upper Canada Members at least would unite and throw out the proposition, leaving members themselves to find the wherewithal, instead of further oppressing the country. He had been unjustly accused by the hon. Member for London of setting the East against the West. No! he did not consider himself as the representative of one constituency, but as a Member of the General Legislature; his votes and exertions had always been for the interests of the great whole. Another point he had to remark. The Attorney General East, had raked up that obnoxious topic, that Lower Canada had paid the debt of the Upper, a subject which he maintained, ought to have been forever buried in oblivion, after Lower Canada had been united to the other section and taken her for better or for worse. Why was that debt incurred? Was it not for the construction of those works beneficial to both, which, by their successful operation, had built up the cities of Quebec and Montreal. Did not Upper Canada consume more than 2-3ds of the imports of Lower Canada? Was Upper Canada then in a position to ask Lower Canada to pay the Upper Province's debt, in the manner of a pauper? No, she (U. C.) addressed the other section; no, she thought herself equal, nay, greatly her superior in energy. L. Canada had, by the consumption of U. Canada, enriched herself at her expense. Just let them separate, and what effect would this produce on the upper section.<sup>39</sup>

Order, order, from MR. WILSON.<sup>40</sup>

MR. J. SCOTT ((continued:)) What would Upper Canada then do, she would side with the United States, which would give her better treatment than she experienced from Lower Canada. She would have recourse to the warehousing system of the United States, and pay her duties in her own territory. She owed Lower Canada nothing, she had paid her three times over. Upper Canada cared not a straw for the dissolution of the Union, (much interruption,) she would be much better alone, (continued interruption,) he had been forced into this degression (sic) by the remarks of the Attorney General East. During the two Session that he had sat in that House, this hateful topic was constantly brought up.<sup>41</sup> He hoped this paltry debt of £50,000 would no more be thrown in the teeth of members of Upper Canada.<sup>42</sup>

MR. DEWITT deprecated the distinction of Upper and Lower Canada, between the sections of what he hoped would always be an United Province<sup>43</sup>. ((He)) asked the hon. Member what he meant by saying that the outlay on the works in Upper Canada had built Quebec and Montreal, he would remind him that these were places of consequence some 40 or 50 years ago, before the Union Act was thought of<sup>44</sup>, so that if Upper Canada had built them up, Lower Canada must have built up Bristol, and Liverpool, and Glasgow.-- (Cheers.)<sup>45</sup> He disliked these insidious distinctions.<sup>46</sup>

MR. INSP. GEN. HINCKS imputed the inconvenience of this discussion to the hon. member for Toronto. He had never, though opposed to the opinions of the majority in Canada West, hesitated to declare his concurrence in the opinions expressed by the hon. member for Montreal. The fact was that the Act of Union had been settled by the Imperial Parliament on certain conditions, of which this was one. It was, therefore, only just that it should have been observed, though he well knew that the feeling was so strong in Upper Canada as to make it impossible for any candidate to stand against it. It was not altogether fair to say that the whole of this debt had been incurred for the Canals, though some of

it doubtless had been. Among the items were £66,000 which had been lost by the failure of Mr. Wilson; £20,000 expended for the Queen's Road; various sums for the East York Road, the West York Road; and £40,000 for the Yonge Street Road. It was clear that none of these items could be for the benefit of Lower Canada. It was all very well to talk about going back to the old system but the truth was that Upper Canada was reduced to a perfect state of bankruptcy; so that Lord Sydenham declared it would be impossible to go on without the Union.<sup>47</sup>

Loud cheers from the Lower Canada members, and ironical applause from Upper Canadians.<sup>48</sup>

MR. INSP. GEN. HINCKS ((continued:)) He did not mean to say that Upper Canada could not have paid her debts, if she had the means of collecting a revenue; but wanting a port of entry, and the people being unwilling to submit to direct taxation, she could not extricate herself from her difficulties. He confessed that he could not see the consistency of the hon. member for Toronto, who was in favour of the expenses of administering justice being paid by direct local taxation; and yet he declared himself against the payment of a portion of these expenses, in that manner. The practical effect of this opposition was against jurors being paid at all, as the hon. Attorney General West had already explained that they could not be charged on the Consolidated Fund.<sup>49</sup>

MR. J. SCOTT explained what he had said about the Union depended upon the Drawback Bill of the United States, under the operation of which Canada West could collect duties.<sup>50</sup>

(61)

*And the Question being put, That those words be left out; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Boulton of NORFOLK, Crysler, Malloch, M'Lean, Prince, Robinson, Scott of BYTOWN, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Thompson.--(10.)*

NAYS.

*Messieurs Badgley, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Brooks, Burritt, Cameron of KENT, Cartier, Cayley, Chauveau, Christie, Davignon, DeWitt, Duchesnay, Dumas, Egan, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, Macdonald of KINGSTON, Marquis, M'Connell, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Smith of DURHAM, Smith of FRONTENAC, Taché, Viger, Watts, Wetenhall, and Wilson.--(54.)*

*So it passed in the Negative.*

*And the Question being put, That this House doth agree with the Committee in the said Resolution; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Brooks, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Chauveau, Christie, Davignon, DeWitt, Duchesnay, Dumas,*



Egan, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, Macdonald of KINGSTON, Malloch, Marquis, M'Connell, M'Lean, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Prince, Richards, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Smith of DURHAM, Smith of FRON-TENAC, Taché, Viger, Watts, and Wilson.--(56.)

NAYS.

Messieurs Boulton of NORFOLK, Cryslér, Johnson, M'Farland, Scott of BYTOWN, Sherwood of BROCKVILLE, Sherwood of TORONTO, Thompson, and Weten-hall.--(9.)

So it was resolved in the Affirmative.

Ordered, That Mr. Wilson have leave to bring in a Bill to limit the number of Petit Jurors to be summoned to attend the several Courts in Upper Canada, and to provide for the payment of them.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the fifteenth instant.

Longueuil and Chambly Turnpike Road.

Mr. Seymour, from the Committee to consider the expediency of amending the Ordinance 4 Vic. c. 16, in so far as it related to the manner of levying Tolls on the Longueuil and Chambly Turnpike Road, reported a

Resolution; which was read, as followeth:

Resolved, That it is expedient to amend the Ordinance relative to the Turnpike Road between Longueuil and Chambly, and to enact that one-half of the Tolls levied in virtue of the said Ordinance be paid in passing, and the other half in repassing through the Toll Gates placed on the several Roads mentioned in the said Ordinance, and to repeal the twelfth section of the aforesaid Ordinance.

The said Resolution being read a second time, was agreed to.

Longueuil and Chambly Turnpike Road Bill.

Ordered, That Mr. Davignon have leave to bring in a Bill to amend the Ordinance relating to the Longueuil and Chambly Turnpike Road.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Oxford election.

The Order of the day for taking into further consideration the case of John George Vansittart, Esquire, Returning Officer at the last General Election for the County of Oxford, being read;

Ordered, That the said Order of the day be postponed until Monday next; and be then the first Order of the day.

Inland Bills of Exchange and Promissory Notes Bill.

The Order of the day for the second reading of the Bill to amend the Laws regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof, being read;

Ordered, That the said Order of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Attorney General LaFontaine, seconded by the Honorable Mr. Attorney General Baldwin.

The House adjourned.

APPENDIX: 1 FEBRUARY 1849.

((QUESTION AND ANSWER RE: LOWER CANADA'S COUNCIL DEBTS.))<sup>51</sup>

DR. DAVIGNON inquired whether it was the intention of Ministers to introduce any measures for the payment of the debts of the late District Councils of Lower Canada.<sup>52</sup>

MR. AT. GEN. LAFONTAINE replied that it was not.<sup>53</sup>

((QUESTION AND ANSWER RE: DIVISION COURTS, UPPER CANADA.))<sup>54</sup>

MR. H. SHERWOOD (Toronto) enquired whether it was the intention of Ministers to introduce any measures to extend the jurisdiction of the Division Courts of Upper Canada?<sup>55</sup>

MR. AT. GEN. BALDWIN replied that it was not.<sup>56</sup>



FOOTNOTES: 1 FEBRUARY 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 2 February 1849, and HAMILTON SPECTATOR, 10 February 1849, which acknowledged MONTREAL COURIER as its source, in identical accounts.
2. MONTREAL GAZETTE, 2 February 1849.
3. IBID.
4. The debate on this matter was reported by: MONTREAL GAZETTE, 2 February 1849, and HAMILTON SPECTATOR, 10 February 1849, which acknowledged MONTREAL COURIER as its source, in identical accounts.
5. MONTREAL GAZETTE, 2 February 1849.
6. The debate on this matter was reported by: MONTREAL GAZETTE, 2 February 1849, and HAMILTON SPECTATOR, 10 February 1849, which acknowledged MONTREAL COURIER as its source, in identical accounts.
7. MONTREAL GAZETTE, 2 February 1849.
8. IBID.
9. The debate on this matter was reported by: L'AVENIR, 14 February 1849; LA MINERVE, 5 February 1849; PILOT, 2 February 1849, BRITISH WHIG, 7 February 1849, GLOBE, 10 February 1849, BROCKVILLE RECORDER, 8 February 1849, PACKET, 10 February 1849, and EXAMINER, 14 February 1849, in identical accounts; and MONTREAL GAZETTE, 2 February 1849, and HAMILTON SPECTATOR, 10 February 1849, which acknowledged MONTREAL COURIER as its source, in identical accounts. Commentaries may be found in MORNING CHRONICLE, 7 February 1849, and LE JOURNAL DE QUEBEC, 6 February 1849.
10. The PILOT, 2 February 1849, says Illinois, Wisconsin, and Missouri.
11. L'AVENIR, 14 February 1849.
12. PILOT, 2 February 1849.
13. L'AVENIR, 14 February 1849.
14. PILOT, 2 February 1849.
15. L'AVENIR, 14 February 1849.
16. MONTREAL GAZETTE, 2 February 1849.
17. L'AVENIR, 14 February 1849.
18. MONTREAL GAZETTE, 2 February 1849, which noted that he spoke "laughingly."
19. The debate on this matter was reported by: MONTREAL GAZETTE, 2 February 1849, and HAMILTON SPECTATOR, 10 February 1849, which acknowledged MONTREAL COURIER as its source, in identical accounts. GLOBE, 10 February 1849, noted the debate.
20. MONTREAL GAZETTE, 2 February 1849.
21. IBID.
22. IBID.
23. The debate on this matter was reported by: LA MINERVE, 5 February 1849; PILOT, 2 February 1849, BRITISH WHIG, 7 February 1849, which had an abbreviated account of LaFontaine's and Scott's speeches, BROCKVILLE RECORDER, 8 February 1849, GLOBE, 10 February 1849, and PACKET, 10 February 1849, in identical accounts; and MONTREAL GAZETTE, 2 February 1849, and HAMILTON SPECTATOR, 10 February 1849, which acknowledged MONTREAL COURIER as its source, in identical accounts. STANSTEAD JOURNAL, 8 February 1849, noted the debate. Scott's speech in PACKET, is identical to that in the MONTREAL GAZETTE.
24. MONTREAL GAZETTE, 2 February 1849.
25. IBID.

26. IBID.
27. IBID.
28. GLOBE, 10 February 1849.
29. MONTREAL GAZETTE, 2 February 1849.
30. GLOBE, 10 February 1849.
31. MONTREAL GAZETTE, 2 February 1849.
32. GLOBE, 10 February 1849.
33. MONTREAL GAZETTE, 2 February 1849.
34. GLOBE, 10 February 1849.
35. MONTREAL GAZETTE, 2 February 1849.
36. GLOBE, 10 February 1849.
37. MONTREAL GAZETTE, 2 February 1849.
38. GLOBE, 10 February 1849.
39. MONTREAL GAZETTE, 2 February 1849.
40. IBID.
41. IBID.
42. GLOBE, 10 February 1849.
43. IBID.
44. MONTREAL GAZETTE, 2 February 1849.
45. GLOBE, 10 February 1849.
46. MONTREAL GAZETTE, 2 February 1849.
47. GLOBE, 10 February 1849.
48. IBID.
49. IBID.
50. IBID.
51. The debate on this matter was reported by: LA MINERVE, 5 February 1849; PILOT, 2 February 1849, BRITISH COLONIST, 6 February 1849, BRITISH WHIG, 7 February 1849, HAMILTON SPECTATOR, 7 February 1849, which acknowledged the PATRIOT and BRITISH COLONIST as its sources, PACKET, 10 February 1849, ST. CATHARINES JOURNAL, 8 February 1849, misdated as 2 February 1849, and GLOBE, 3 February 1849, misdated as 2 February 1849, in identical accounts.
52. PILOT, 2 February 1849.
53. IBID.
54. The debate on this matter was reported by: PILOT, 2 February 1849, BRITISH COLONIST, 6 February 1849, BRITISH WHIG, 7 February 1849, HAMILTON SPECTATOR, 7 February 1849, which acknowledged the PATRIOT and BRITISH COLONIST as its sources, BROCKVILLE RECORDER, 8 February 1849, and GLOBE, 3 February 1849, misdated as 2 February 1849, in identical accounts.
55. PILOT, 2 February 1849.
56. IBID.



FRIDAY, 2 FEBRUARY 1849.

(61)

Quebec Trinity  
House Accounts.

MR. SPEAKER laid before the House, the Accounts of the Trinity House of Quebec for the Year ending 31st December, 1848.

Appendix (X.)

For the said Accounts, see Appendix (X.)

Friends'  
Seminary.

And also, Report of the Trustees of the Friends Boarding School at West Lake, Prince Edward District, for 1848.

Appendix (Y.)

For the said Report, see Appendix (Y.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of Thomas Cantwell and others, of the Parish of St. Jean Chrysostôme, County of Beauharnois; and the Petition of James Duncan and others, of the Seigniorship of Beauharnois.

By Mr. Fortier,--The Petition of B. Maurault and others, of St. Jean des Chaillons and other Parishes.

By Mr. Méthot,--The Petition of Jeffrey Hale, Esquire, and others, the President and Members of the Quebec British and Canadian School Society.

By Mr. Chabot,--The Petition of the Mayor and Councillors of the City of Quebec.

By Mr. Prince,--The Petition of James Cuthbertson and others, Shareholders in the Sault Sainte Marie Mining Company; and the Petition of W. Lapenotière, of Woodstock, in the District of Brock.

(62)

By Mr. Notman,--The Petition of Donald M'Leod and others, of South Yarmouth.

By Mr. Holmes,--The Petition of the Bank of Montreal; and the Petition of the Montreal and Lachine Railroad Company (extension of Charter.)

By Mr. Seymour,--The Petition of M. Asseltine, Chairman, and P. S. Timmerman, on behalf of a meeting of the inhabitants of Ernestown, Midland District.

By the Honorable Mr. Boulton,--The Petition of O. W. Stevens, of the Town of Simcoe, tailor.

By the Honorable Mr. Price,--The Petition of Oliver Grace, of the Town of Lewiston, in the State of New York, one of the United States of America.

By the Honorable Mr. Cayley,--The Petition of Charles James Stuart, of the City of Quebec, Esquire.

By Mr. Wetenhall,--The Petition of the Provincial Agricultural Association of Canada West (aid;) and the Petition of the Provincial Agricultural Association of Canada West (Canadian Produce.)

By Mr. Thompson,--The Petition of John Jarron and others, of the County of Haldimand.

Petition read.

Ordered, That the Petition of John Jarron and others, of the County of Haldimand, be now read; and that the Rules of this House be suspended as regards the same.

And the said Petition was read; representing that the Petitioners have

reason to believe that parties are now ready and anxious to make a Railway from the Niagara River, at the Township of Bertie, to the Detroit River at or near Windsor, and praying that the Charter formerly granted to the Niagara and Detroit Rivers Railway Company be renewed.

Petitions read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of Xavier Meloche and others, of the Parish of St. Timothée de Beauharnois; praying indemnification for losses sustained by them through the laborers on the Beauharnois Canal.

Of the Council of the Municipality of the second division of the County of Beauharnois; praying for the repeal of the Municipal Council Act, and the establishment of Parish or Township Municipalities, or for the union of the Townships and Parishes.

Of the Council of the Municipality of the second division of the County of Beauharnois; praying aid to construct a Road from the Village of Huntingdon to Lake St. Francis.

Of Thomas Hill, of the City of Toronto; praying a pension and such other relief as the House may deem expedient, in consideration of his services as a late messenger of the House of Assembly in Upper Canada, and of his advanced age.

Of the Religious Ladies of the Hôtel Dieu of Montreal; praying for power to dispose of part of their property.

Of Amable Archambeault and others, of L'Assomption; praying to be authorized to build a Bridge across the River L'Assomption.

Of J. C. Faribault and others, of the Counties of Leinster and Berthier; praying for aid to render the River L'Assomption navigable.

Of L. Z. Nolin, and others, of the Village and Parish of L'Assomption; praying that power may not be given to Amable Archambeault and others, to build a Bridge across the River L'Assomption.

Of Joseph C. Bélanger and others, of St. Anselme; praying to be authorized to build a Bridge across the River Etchemin, in the Parish of St. Anselme.

Of Charles H. Lassiseraye, of the City of Montreal; praying that the balance due him as Principal Teacher of the Educational Society of Three Rivers, may be granted him.

Of Mrs. Ellenor Teed, of the City of Quebec; complaining of injustice done to her late husband, by his imprisonment on suspicion of treason in the year 1838, by which his days were shortened, and praying redress.

Of L. G. Bigelow and others, of the County of Ottawa; praying aid for improvement of certain Roads and the construction of certain Bridges in the said County.

Of the Reverend Alexander Mathieson, D. D. and others, Members of the Presbyterian Church in Canada in connection with the Established Church of Scotland; praying for an Act to incorporate the Presbyterian Church of Canada in connection with the Established Church of Scotland.

Of the Municipal Council of the District of Victoria, and of the Marmora Foundry Company; praying a grant of money to open a Road between Madawaska and the rear of the said District.

Of William Johnston, Esquire, of the Township of Georgina; praying for the establishment of a Post Office at Pefferlaw Mills in the said Township.

Of the Montreal Ladies' Benevolent Society; praying aid in support of the said Institution.



Of Sister Jeanne de Chantal and others, Sisters of Charity of Montreal; praying to be incorporated.

Of the Right Reverend the Catholic Bishop of Montreal; praying for an allowance (to the Sisters of Charity of the General Hospital) for Foundlings.

Of the Right Reverend the Catholic Bishop of Montreal; praying aid for the building and expenses of the Petit Seminaire de Ste. Thérèse.

Of George Gurmett, Esquire, Mayor, and others, of the City of Toronto, and others of the Home District; praying for the passing of an Act to authorize Frederick Chase Capreol to construct a Railroad from the said City of Lake Huron, by the way of the Holland Landing.

Of the Society of Education of Quebec; praying the usual aid in support of the said Society.

Of the Directresses of the Charitable Association of the Roman Catholic Ladies of Quebec; praying for aid in support of the said Institution.

Of the Honorable William Walker and others, of the City of Quebec; praying to be incorporated as "The Quebec Gas Company."

Of Francis Rourke and others, of the District of Quebec; praying for the repeal of that part of the Act 3 & 4 Vic. c. 42, which obliges them not to sell a less quantity than three half pints of Spirituous Liquors.

Of Messieurs LeMesurier, Tilstone and Company, and others, Merchants and others of the City of Quebec; praying for the passing of an Act to regulate the inspection of Fish and Oil, the produce of British Fisheries.

Of Joseph Légaré and others, of the City of Quebec, praying that the Fire Debentures may be remitted to them in full.

Of E. Dalairé, Esquire, and others, of the south shore of the St. Lawrence, in the vicinity of Quebec; praying that the Cul-de-Sac may not be turned into a Market.

Of H. Gowen, Esquire, and others, of Quebec; praying that the Charlesbourg Road may be placed under the control of the Quebec Turn-pike Trust.

Of W. K. M'Cord, Esquire, and others, of the City of Quebec; praying that certain grievances connected with the Corporation of Quebec be remedied.

Of the Reverend John Cook, D. D. and others, of Ministers, Elders, and Trustees of St. Andrew's Church in the City of Quebec; praying aid in support of the School in connection with the said Church.

Of Miss Eliza Taylor, Secretary, on behalf of the Committee of Ladies conducting the affairs of the Protestant Female Orphan Asylum at Quebec; praying the usual aid in support of the said Institution.

(63)

Of the Reverend George Mackie, D. D. Chairman, and others, the Committee of Management of the National Schools at Quebec; praying for aid in support of the said Schools.

Of Lady Stuart and other Ladies, the Committee of the Quebec Infant School; praying for the usual aid in support of the said Institution.

Of the Literary and Historical Society of Quebec; praying that the usual aid in support of the said Institution.

Of the Literary and Historical Society of Quebec; praying that their Charter may be amended by making a Quorum for the transaction of business to consist of three members.

Of Z. Williams and others, of Quebec; praying for the adoption of measures to enforce a more efficient system of stowing ships' cargoes of timber.

Of William Farley and others, Electors of Ward No. 4, in the Town of St. Catharines; praying for certain amendments to the Act incorporating the said Town.

Of John Watson Griffin and others, sons and daughters of the late Joseph Griffin; praying that measures be adopted to obtain a repeal of the Patent constituting the Rectory of Wellington Square, and to restore to them their father's property now enjoyed by the Rector of that place.

Of David Buchan, Esquire, and others, of the Village of Paris and its vicinity; praying that the proposed Bills for the formation of the new Districts of Brant and Bruce be not passed into laws.

Of G. Macartney and others, of the southern half of the Township of Dumfries, District of Gore; praying for the division of the said Township into North and South Dumfries.

Of Absalom Shade, of Galt, and James Cowan, of Waterloo; praying for certain Amendments to the Act incorporating the Guelph and Dundas Road Company.

Of William Oliver, of the Township of Downie, District of Huron; representing his services as a Soldier in Her Majesty's 94th Scotch Brigade, and afterwards in the Militia of this Province in the year 1837, and the subsequent loss of his left arm, and praying relief.

Of William Hoople, of the Township of Osnabruck, Eastern District, Pilot; praying compensation for his discovery and exploration of the Channel on the north side of the River St. Lawrence, between Dickenson's Landing and Cornwall, known as the Longue Sault Rapid.

Of the Reverend Alexander Mathieson, D. D. and others, on behalf of of the Congregation of St. Andrew's Church, in the City of Montreal; praying to be incorporated as "The Ministers and Trustees of St. Andrew's Church, Montreal."

Of Joseph Bistodeau and others, of the Village of St. Hyacinthe; praying for the passing of an Act to incorporate the said Village as a distinct and separate Municipality.

Of the Reverend A. Théberge, of Terrebonne; praying aid in support of the Masson College of Terrebonne.

Of the Warden and Municipal Council of the District of Simcoe; praying for a certain alteration in the system of appointing Assessors.

Of John Yule, junior, Esquire, and others, of Chambly; praying for the passing of an Act to authorize the Petitioners to construct a Dam across the River Richelieu, at a place known as the "Chûte," for the passage of Rafts.

Petition of J. Jarron and others.

suspended as regards the said Petition.

Ordered, That the Petition of John Jarron and others, of the County of Haldimand, be referred to the Standing Committee on Railroad and Telegraph Line Bills; and the Rules of this House

Of J. C. Belanger and others;

Ordered, That the Petition of Joseph C. Bélanger and others, of St. Anselme; the Petition of the Reverend Alexander Mathieson, D. D. and



Of the Rev.  
A. Matheison  
and others;  
Of J. S.  
M'Collom and  
others.

others, on behalf of the Congregation of St. Andrew's Church, in the City of Montreal; and the Petition of John S. M'Collom and others, of the Township of Nelson, District of Gore, be referred to the Standing Committee on Standing Orders; and the Rules of this House suspended as to the said Petitions.

Of L. Legendre  
and others,  
referred.

Resolved, That the Petition of Louis Legendre, Esquire, and others, of the Parish of St. Louis de Lotbinière, be referred to a Select Committee composed of Mr. Chauveau, Mr. Solicitor General

Drummond, Mr. Fortier, Mr. Laurin, and Mr. Taché, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records; and the Rules of this House suspended as to the said Petition.

Emigration.

Ordered, That Mr. Bouthillier and Mr. Fournier be added to the Select Committee appointed to

enquire into the causes of Emigration from Canada to the United States.

Second Report  
of Committee  
on Road and  
Bridge Bills.

Mr. Fortier, from the Standing Committee on Road and Bridge Bills, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have considered the Petition of Alexander Parker and others, relative to the expenditure of the sum granted for the construction of a Road between L'Orignal and Bytown; they find that a Bridge has been erected by the Board of Works, under the authority of Parliament, at the Des Outicas Creek near the Caledonia Springs, on the leading Road from L'Orignal to Bytown, and another Bridge at Hatfield, across the Petite Nation River, but as yet the Road between the two Bridges has not been constructed: As these Bridges are comparatively useless for the want of connecting Road, Your Committee beg leave to recommend that such a Road shall be undertaken and finished in the first place, without delay.

By the original appropriation, the Road was to run from Hatfield along or near the banks of the River Ottawa, by Gifford, Beckwith, and Green Creeks. The several Surveuors who have reported on this line concur in stating, that for the purposes of a great leading communication between L'Orignal and Bytown, this River route will be more expensive in its construction than a more direct Road running through the interior of the country; a great difference of opinion exists, however, as to the best line for this interior Road, and Your Committee therefore recommend that a new Act should be passed, enabling the Board of Works to expend the appropriation in such a manner as may seem most fit for the public advantage, without reference to private interests.

At the same time, Your Committee feel it their duty to state to Your Honorable House, that the original appropriation having been expressly granted for the River Line, and thereby greatly benefitting the owners of land and settlers on the banks of the Ottawa, these persons may complain that the pledged faith of the Legislature has been broken with them, if that line be departed from; and it may have happened, though no evidence to that effect has been adduced before Your Committee, that persons have purchased lands at a higher price in consequence of the Road having been

fixed in the vicinity of their purchases: It is, however, for Your Honorable House to decide between these conflicting interests.

(64)

On motion of Mr. Smith, of Frontenac, seconded by Mr. Seymour,  
Tolls collected      Resolved, That an humble Address be presented to  
on Roads (U. C.)      His Excellency the Governor General, praying  
                                  that he will be pleased to direct the proper  
 officer to lay before this House, a Return of all Tolls collected upon  
 the several Macadamized and Planked Roads in Upper Canada, for the years  
 1847 and 1848, respectively, and of the expenses attending the collection  
 thereof.

Ordered, That the said Address be presented to His Excellency the Governor  
 General, by such Members of this House as are of the Honorable the  
 Executive Council of this Province.

Lachine Rail-      Ordered, That Mr. Holmes have leave to bring in a  
road Bill.      Bill to amend the Act incorporating the Montreal  
                                  and Lachine Railroad Company, and for other  
 Purposes.

He accordingly presented the said Bill to the House, and the same was  
 received and read for the first time; and ordered to be read a second  
 time, on Monday next.

Montreal and      Ordered, That Mr. Holmes have leave to bring in a  
Troy Tele-      Bill to incorporate the Montreal and Troy Tele-  
graph Bill.      graph Company.

He accordingly presented the said Bill to the House, and the same was  
 received and read for the first time; and ordered to be read a second  
 time, on Monday next.

Petition of      Mr. Scott, of Two Mountains, moved, seconded by  
J. Bowie.      Mr. Wilson, and the Question being put, That the  
                                  Petition of James Bowie, of the City of Montreal,  
 Physician, be referred to a Select Committee, composed of Mr. M'Lean,  
 Mr. Macdonald of Glengarry, Mr. Chauveau, Mr. Bouthillier, and the mover,  
 to examine the contents thereof, and to report thereon with all convenient  
 speed; with power to send for persons, papers, and records.<sup>1</sup>

MR. AT. GEN. LAFONTAINE opposed this reference. The petition was for  
 a sum of money which could not be granted without the consent of His  
 Excellency. Dr. Bowie had been employed permanently since 1843, whereas  
 the others had been only employed for a temporary period, and from day to  
 day. The late ministry had felt they could not allow this claim, and the  
 present ministry fully agreed with that decision. The principal ground  
 of the claim was for the loss of instruments &c., of which he had never  
 furnished a list.<sup>2</sup>

((There was)) some conversation.<sup>3</sup>

(64)

The House divided:--And it passed in the Negative.

A large majority appealed against it.<sup>4</sup>



The minority were MESSRS. SCOTT, PAPINEAU, and MCLEAN.<sup>5</sup>

(64)

L'Académie Industrielle de St. Laurent Bill.

Ordered, That Mr. Jobin have leave to bring in a Bill to incorporate L'Académie Industrielle de St. Laurent, in the District of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Soeurs de Ste. Croix Bill.

Ordered, That Mr. Jobin have leave to bring in a Bill to Bill to incorporate La Communauté des Soeurs de Ste. Croix, in the Parish of St. Laurent, in the District

of Montreal, for the purposes of education.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

L. Comte's Relief Bill.

Ordered, That Mr. Jobin have leave to bring in a Bill to enable Louis Comte to recover a certain amount due to him by the Parish of St. Edouard, in the District of

Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Bank Tax.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency to the Governor General, dated the 29th January, 1849, praying that he would be pleased to cause the proper officer to lay before this House, a tabular monthly, or such other periodical Return of the issue of Bank Notes by the several Banks in this Province, as may be conveniently had during the several years since the imposition of the Bank Tax, to the Thirty-first December last, with the amount of the Tax levied on each such periodical Return of each Bank respectively.

Appendix (Z.)

For the said Return, see Appendix (Z.)

Lumber Exported.

And also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 1st February 1849, praying His Excellency to cause to be laid before them, a Statement of the quantity of Lumber shipped for exportation by sea, during the year 1848, on account of the procedure and manufacturers of wood of the District of Quebec.

Appendix (A.A.)

For the said Return, see Appendix (A.A.)

Speech considered.

The House, according to Order, proceeded to take into consideration the Speech of His Excellency the Governor General delivered to both Houses of the Provincial Legislature.

And the same was again read.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Attorney General Baldwin, That a Supply be granted to Her Majesty.

MR. INSP. GEN. HINCKS moved for postponement of the consideration of the grant of supplies till Tuesday next, the house then to resolve itself into committee of the whole for the purpose--<sup>6</sup>

((The)) motion was granted.<sup>7</sup>

Resolved, That this House will, on Tuesday next, resolve itself into a Committee to consider of that Motion.

Townships  
Erection Bill.

The Order of the day for the second reading of the Bill to confirm the Erection of certain Townships, and for other purposes relative to the Erection of Townships, being read;<sup>8</sup>

MR. AT. GEN. LAFONTAINE, in moving the second reading of the act to confirm the erection of certain townships, stated that the bill was rendered necessary by the circumstance that no township had been legally erected in Canada ... since the Union. They had the name of Townships, and that was all. The present bill would give these townships a legal standing. It also provided for the annexation of the "Gores" now existing in various parts of both sections of the Province, to the neighbouring townships.<sup>9</sup>

(64)

The Bill was accordingly read a second time; and ordered to be engrossed.

Offenders  
Treaty Bill.

The Order of the day for the second reading of the Bill for better giving effect, within this Province, to a Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain Offenders, being read.<sup>10</sup>

MR. AT. GEN. LAFONTAINE then moved the second reading of the bill for the arrest of the offenders from the United States. The object of the bill was as follows:--the treaty of extradition of 1842 was not perfected till the bill of last year was passed at Washington at the time of his visit. But the English act was deficient in the first clause inasmuch as it made it necessary that the fugitive from justice should be publicly claimed of the Government, which gave occasion for the party to escape. This bill would give power to the judges of the superior Courts and to justices of the peace to carry out the law.<sup>11</sup>

MR. PAPINEAU objected to the Bill, as being too vague in its details. The duties of the Superior court ought to be more fully and definitely determined.<sup>12</sup> ((He)) objected to the Justices of the Peace being invested with the power to arrest fugitives from the United States.<sup>13</sup> There might arise ... great danger of false imprisonment.<sup>14</sup> He was for placing it in the hands of the Judges of the superior Courts, of the Circuit Courts in Canada East, and of similar courts in Canada West; providing, however, that the Justices of the Peace should be only permitted to arrest the offenders, and take them before the nearest Judge of the superior Court, or Circuit Court. This was only an act of Justice to a foreigner.<sup>15</sup> He urged the necessity of an appeal in the cases, of which this law was to take cognizance, from the District Court, where the first steps were taken, to the Superior Courts. The stranger ought to be protected as much as their own citizens. The latter were well known in their own locality, but the former had no friend to apply to if unjustly accused.<sup>16</sup>

MR. AT. GEN. LAFONTAINE said that a strong allusion had been made to the case of strangers. This Act was framed in good faith between the two Governments, otherwise, of what use would be the measure.<sup>17</sup> It was of



course necessary to act in good faith with the American Government,<sup>18</sup> It was true that the Act of the Imperial Government, which the present was intended to carry out, contained some provisions which did not meet the wants of the two countries, and the present was intended to supply the deficiency.<sup>19</sup> This bill was only to carry out the treaty, in the same way as it was now carried out by the law of the United States. There was nothing more in it than in the American law.<sup>20</sup>

MR. H. BOULTON said the proposed Bill contained enactments which that House, he trusted, would not sanction.<sup>21</sup> As the British Government were spending millions of pounds to put down slavery, they had probably forgotten one point<sup>22</sup> to which he wished particularly to draw their attention. By the terms of this Act it was proposed to deliver up, amongst others, runaway slaves charged with certain crimes, murder, arson, theft, &c. Now<sup>23</sup> it was within his observation that nothing was more common than to trump up a charge against a man of having committed the crime of arson, robbery, &c.<sup>24</sup> --mere pretences--in order to enable avaricious slaveholders to recover their property, for they generally found, that when once these slaves were taken back, under the pretext of bringing them to trial as soon as they were safe within the grasp of their pursuers, nothing more was heard of the criminal prosecutions. Hon. members, no doubt, remembered a case (at any rate he had read of it) of a certain cargo of slaves,<sup>25</sup> shipped at Charleston<sup>26</sup> ((and)) destined for the port of New Orleans, when these men, finding themselves strong in number, rose against their captors, and saved themselves, taking themselves and ship into Providence, in the Bahamas, where they were charged, by the American Consul, with piracy; where they had only struggled for that liberty which was dear to every man. These men come here from a country where they are treated as<sup>27</sup> cattle or brute beasts<sup>28</sup>, where it was made a<sup>29</sup> capital offence<sup>30</sup> to teach them the Scriptures, or give them education;<sup>31</sup> if such persons came into the country he would treat them as persons, sui generis<sup>32</sup> sensible, responsible beings.<sup>33</sup> OR They were not responsible as other persons were and he never consent to their being sent back.<sup>34</sup> He would not vote for any measure that would authorize their being taken back to a country where they were put up to auction, like so many pigs, and every description of hardship and cruelty heaped upon them. If instances were wanted, doubtless his perusal of the papers would enable him to remind Upper Canada members of a case that occurred in 1835 or 1838<sup>35</sup> which made his blood boil<sup>36</sup>, in which a black man who had thus escaped, was taken back to the States, where an immediate conflict took place between the authorities and the populace, on his account, and one or two persons were killed in the affray.<sup>37</sup> OR A slave was attempted to be arrested; that led to a riot in Niagara, in which the black population took part, and several white persons joined them. He was happy for the sake of the Province that the unfortunate man himself escaped; but one man was shot.<sup>38</sup> The question before them, as far as this portion of the subject went, was in no way a political one. If any hon. members then present were forcibly led into captivity, and transported to Africa, would they consider it a violation of law to resist, by every means in their power, under such circumstances? Were such proceedings justifiable, merely on account of the difference between black and white? True, it was a certain Act had been passed in England, but if this important point was therein neglected, let them provide the remedy, not with the feelings of party spirit, but

as involving the question of right between the oppressor and his victim. He doubted much if the Imperial Government knew the truth in this respect; if they did, doubtless they would agree with him.<sup>39</sup> It was the duty of the House to remind them of it. He would therefore move to add a provision as follows:--Provided nothing herein contained shall extend to the surrender of any coloured person accused of the crimes herein mentioned, who shall have been a slave and who shall be liable to be reclaimed by his master.<sup>40</sup>

MR. H. SHERWOOD (TORONTO) regretted that there was no provision in the proposed Law to meet this case, further than giving Governors the power of refusing the application for the surrender of slaves, if the Act was committed with a view to enable them to escape from thralldom.<sup>41</sup> If the clause proposed by the last speaker would not go to impair the measure, he would like to see it adopted. They had never had a similar bill brought before them to the one at present proposed. There had been instances of persons from the United States entering Canada to claim slaves who had run away from their inhuman masters, and who were refused to be given up. He recollected one case where the slave who had made his escape was reclaimed on a charge of horse stealing. The facts of the case were these, that the first horse that the slave had found he had mounted in order to facilitate his escape. This act, according to law, could not be called larceny; and the Governor, if application was made to him, could refuse the application if the facts of such a case were known to him. But there might be magistrates who did not thoroughly know the law<sup>42</sup> ((or)) might not understand nice distinctions in the matter, but would certify that the charge was clearly brought home to the accused<sup>43</sup> and ... sign a warrant for his apprehension. He, therefore, hoped that such a provision would be added to the bill, so that where it was known that the crime of arson or murder was committed to assist in the escape of the slave from his cruel bondage, or if he appropriated money to pay his expenses on his journey or flight--that where such was found to be the case, he should not be allowed to be carried back to the man who had treated him, and would still treat him worse than a dumb brute. In speaking as he had done, he hoped the hon. gentleman who had brought the bill would not think that he wished to throw any obstacles in his way, as he deemed it a very important bill<sup>44</sup> ((but)) much as he agreed with the general principle laid down ... he thought it was too general.<sup>45</sup> He hoped that some clause would be inserted to prevent the giving up of slaves to their masters. It had been said that millions had been expended in England for the purpose of putting down slavery; but he would assure the House that the feeling against slavery was as strong in Canada as it could be any where.<sup>46</sup>

MR. J. SMITH (Durham) detested slavery as heartily as any member in that House, but still he did not allow his philanthropy to outrun his sense of justice, so as to sanction evil by legal enactments. He considered that the Governor<sup>47</sup> General in Council<sup>48</sup> had ample power to give him to investigate cases with a view to ascertain the charges being trumped up, or otherwise<sup>49</sup> to justify his refusing to give up the offender, if circumstances transpired to prove that it was only sought to obtain possession of his person, to subject him to a state of slavery, from which he had made his escape.<sup>50</sup> But<sup>51</sup> it appeared to him that the inevitable result of the amendment proposed by the hon. member



for Norfolk<sup>52</sup> to give protection to slaves merely as such<sup>53</sup> would be a general belief in the States that the blacks would be justified in rising upon and murdering their masters, provided that they could get to Canada.<sup>54</sup> ((It)) was to offer a direct premium to theft, murder, &c., and for the guilty parties to secure themselves from justice in this country. Great consideration was shown to these people, because in the United States, they were undoubtedly treated far worse than the white men, but now it was proposed to treat them better. He wished to see them put upon a par with others. He would give the authorities of both countries the same power as to criminals, much as he hated the horrid slave system. He thought the Bill amply sufficient for the ends of justice, with the power vested in the Governor, with the proper means at his command of testing a charge trumped up, or not; and whether the accused was really a slave, or not, a conclusion which the Magistrate could not accurately arrive at.<sup>55</sup>

MR. H. SHERWOOD (Toronto) said in reply to Mr. Smith, that<sup>56</sup> the proposed Bill contained the provisions of the English Act; if dispositions were not taken before magistrates, (and he need not remark that without these no man could be surrendered,) how could it be ascertained whether the party were a slave or not; he would leave that to the Governor. He had been accused of wishing to encourage these men to steal, &c.<sup>57</sup> He did not support the amendment for any such motive.<sup>58</sup> But he pleaded the laws of humanity as a condemnation of a diabolical system.<sup>59</sup> He and his hon. friend saw only these principles of humanity which ought to be encouraged in all civilized communities. What difference, he would ask hon. gentlemen, would be made in the case of a white<sup>60</sup>? What was the course adopted with political refugees<sup>61</sup> secured for murder or arson, in a time of political excitement, in the attempt to free ... ((themselves)) from political oppression<sup>62</sup>? They flee to the United States. What reception do they meet with there? Are they ousted as murderers, thieves, &c.? No, they are told theirs is a political offence, and are allowed to go their way.<sup>63</sup> The unfortunate negro who arrived in a British possession, accused of murdering his constant and brutal oppressor<sup>64</sup> at most, desires to free himself<sup>65</sup>. In the one case, the American Government or any other Government in the world would at once reply to any demand, for the political offences, we cannot recognize the crime of murder or arson; in this case it is merged in the higher political offence, and will not give him up. He would on the same principle, protect the slave who had committed some crime in attempt to gain his liberty; for the assertion of human liberty, and for the protection of the negro--not against the laws but against his inhuman master who in nine cases out of ten got immediate possession of the slave on his being delivered up by Canadian authorities, without the law taking any cognizance of the pretended crime.<sup>66</sup>

MR. AT. GEN. BALDWIN considered this question had a much more extensive bearing than seemed given to it.<sup>67</sup> The question involved in this discussion was: is it or is it not desirable that a mutual understanding should exist between our own Government and the Government of the<sup>68</sup> large and powerful republic<sup>69</sup> on whose borders we are, for the delivering up of fugitives from justice.<sup>70</sup> Any one regarding the state of things between the two countries, must see that such an amendment did not carry out that object.<sup>71</sup>

The Imperial Government, on our behalf and the Government of the United States had mutually come to the determination that it was desirable we should naturally give up such fugitives without any exception being made in the treaty, such as was now proposed by the hon. member for Norfolk; and any one knowing the position of the slavery question on the other side of the lines must be aware that<sup>72</sup> if such a condition had been enforced at the period of the Ashburton Treaty, no such treaty would have been made<sup>73</sup>. It was utterly impossible that such a provision could have been inserted in the treaty. The treaty of Washington then had been made between the Governments for a good purpose, viz.: the delivering up of persons charged in one country with the commission of a serious offence flying for protection to the other. If then such a provision as this could not be inserted in the treaty of Washington, what would be the effect of attempting to introduce it into this bill. The Imperial Parliament had passed an act in the terms of the treaty, but they had left to the local Government the power of carrying the treaty into effect in such a manner as they might find most convenient<sup>74</sup> but not to mar the general intention of the measure. The case of the stealing the horse involved a mere case of trover or trespass. The proposed amendment was entirely opposed to the spirit of the Act. If dispositions were not allowed to be taken before the nearest authorities, as to the crime charged, but the witnesses were compelled to come to Head-Quarters, how could such authorities decide?<sup>75</sup> If they attempted to introduce into it, provisions not contained in the Imperial Act and in the treaty of Washington, they would defeat the whole object of that treaty, for the United States Government would not of course consent to such a provision as that now proposed.<sup>76</sup> He should therefore oppose the motion of the hon. member for Norfolk.<sup>76</sup>

MR. H. BOULTON considered they had a clear right to relieve the slaves, under the circumstances alluded to.<sup>77</sup> He still asserted that where man was treated as a beast, and not as an accountable being, he thought he was in everything to be unaccountable, and not punished for crime as a reasonable creature, when under circumstances he was treated as a non sui generis.<sup>78</sup> If the Act of Parliament had been so badly managed<sup>79</sup> in this particular,<sup>80</sup> it required the assistance ... the Provincial Parliament could not effect. He would therefore give his assistance only so far as it was just and advisable to do so.<sup>81</sup> They had a right to insert ... a right to meet the requirements of the locality, by authorizing the refusal to surrender.<sup>82</sup> The hon. member for Durham thought he was prepared to give greater lenity to a slave than to a free man. Well he held that a poor slave wanted more aid and much more assistance than a free man.<sup>83</sup> Another remark he had to make was, he had brought this subject before the Legislature before, but no remedy; they might have had the will without the power. How was the slave to show evidence of his intention in his persecuted position?<sup>84</sup> Was it for a free British Legislature to aid those who had perhaps cut a poor slave in two with cowhides; who made it penal to teach a black man to read--who had lately sent a woman to prison for teaching a man to read the scriptures?--to aid these men to recover their victims? He ((had)) shown that formerly this act had indirectly led to murder in Upper Canada; and at any rate he wished the Government not to be bound, as they would be this act, to give up fugitive slaves, accused of crimes. If a ship went



from Quebec to Charleston or New Orleans<sup>85</sup> or other southern ports<sup>86</sup> with a black cook on board,<sup>87</sup> he was arrested and confined till the vessel left.<sup>88</sup> What respect did that show to the rights of foreign nations?<sup>89</sup> They (the Americans) did not care for British Laws, and the protection thereby afforded to British subjects.<sup>90</sup> Why then should we be so tender on this subject of slavery. He would be glad to see the slaves make the houses of their masters too hot to hold them, and then they might be forced to do what humanity could not induce them to do.<sup>91</sup> Black men though they be, they should be protected as well as the white, who went scathless, no matter how he burnt and stole<sup>92</sup>. While, however, he made these observations, he did not intend to apply them to the whole of the people of the United States, for in certain portions of it they were doing their utmost to put down the curse of slavery.<sup>93</sup> With this feeling he was glad to see the strong movement organising against this hated system in the States<sup>94</sup>. He read with pleasure that day, that Mr. Cassius Clay was likely to obtain a convention in Kentucky, to consider the best means of doing away with slavery. He would do nothing whatever to deliver slaves to their masters.<sup>95</sup>

MR. WILSON could not read this law as it had been explained by the hon. members<sup>96</sup> ((and)) differed entirely from the conclusions of the hon. member from Norfolk.<sup>97</sup> Slaves should certainly be made answerable, and given up, if guilty of great crimes, such as murder. He felt for slaves, but thought<sup>98</sup> slavery was no excuse for crime. Under the feeling of animosity<sup>99</sup> ((and)) hate rankling in his heart against his master<sup>100</sup>, the slave watched his opportunity, and, perhaps, murdered his master, and would they say that was not criminal, merely because the murderer was a slave.<sup>101</sup> Would it be justice or would it be right to give that man a refuge in this country and refuse to give him up to the country whose law he had violated by the commission of so diabolical a crime?<sup>102</sup> There existed a vast deal of mawkish sensibility in favor of this class of men; fearful, persecuted, truly, but not so as to justify a shelter, on our part, for the worst of crimes, because their condition brought them to such extremities.<sup>103</sup> The slave was always supposed to be innocent, and the guilty always lay with his oppressors, as they were called.<sup>104</sup> The mere act of stealing a horse would not, he allowed, be sufficient for this country to give a slave up, but he could not understand how it was impossible to refuse to give up a slave who had committed the greatest crime of murder.<sup>105</sup> Were such a principle established, the practical result would be to give up no offenders if a plea of escape was put forth. He was sorry to see that the feelings of the hon. members had so warped his better judgment, for certainly neither that hon. member nor any other lawyer in that House could justify such a doctrine.<sup>106</sup>

MR. H. BOULTON said he would much like to see the mighty quick change that would come over the sentiments of the hon. member for London, if he were unceremoniously carted into slavery and treated with the cruelties of that system.<sup>107</sup>

MR. AT. GEN. LAFONTAINE withdrew the motion for the second reading on consideration that the subject should be discussed in committee.<sup>108</sup>

The Resolution ((was)) put and carried.<sup>109</sup>

(64)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

Productions of  
the United  
States.

The Order of the day for the House in Committee to enquire into the expediency of providing for the admission of certain Articles of the growth or production of the United States into Canada, upon the like Articles the production of Canada being admitted into the markets of the United States on the same terms, being read;

The House accordingly resolved itself into the said Committee.

Mr. Polette took the Chair of the Committee; after some time spent therein,<sup>110</sup>

The resolution was ... read as follows:--

"That it is expedient to provide for the free admission of grain and breadstuffs of all kinds, vegetables, fruits, seeds, animals, hides, wool, butter, cheese, tallow, horns, salted and fresh meats, ores of all kinds of metals, ashes, timber staves, wood and lumber of all kinds, of the growth or production, of the United States of America, into Canada, whenever similar articles, the production of Canada, shall be admitted, without duty, into the said United States."<sup>111</sup>

MR. PRES. EX. COUN. MERRITT said, that the Agricultural portion of the people looked upon this subject as one of great importance and they were much interested in its result. In 1846, various measures had been proposed for the changed circumstances of the country. He recollected that the hon. member for Simcoe had moved an Address to his Excellency, that certain producers of the United States should be admitted free of duty into Canada, provided that a similar measure were adopted by the United States. This Address was agreed to and sent off by the first steamer which sailed afterwards to England. The measure was concurred in by the Government of England, a measure which Lord Aberdeen and Mr. Pakculiam (sic) did all they could to carry to effect; but owing to a bill relating to importation then pending in the Legislature of the United States, it was not pressed at the time. Mr. Packenham left the country soon after, and the measure was not gone into; but although for a time it was laid aside, it was not allowed to slumber. In 1847, a measure was introduced into this House for similar purposes, which was held to be in the interest of both countries, and although the Government of the day did not pass the measure, the resolutions then submitted were not without their effect.<sup>112</sup> It enabled the people to see the necessity of the great object aimed at, and view the question of Reciprocal Free-Trade, at least, as did the Upper Canadians, in a more favourable light than they had hitherto done.<sup>113</sup> The people of Upper Canada began to think that they would be better under the Reciprocity system than they now were, and that it would be a benefit to the whole country. At the meeting of the Agricultural Association of Upper Canada held at Hamilton last year, a resolution was adopted in favour of reciprocity<sup>114</sup>, a presumed favorable system of perfect reciprocity between the two people<sup>115</sup>, and a committee was appointed who were instructed to take such measures as would give effect to the resolution as being of



a kind likely to prove beneficial to the interests of Canada and the United States. This subject was taken up by Congress in 1848,<sup>116</sup> in the shape of a Bill before the American Congress,<sup>117</sup> and was passed immediately by the House of Representatives. If any judgment could be formed from the expression of the sentiments of individuals in the Senate it would have been passed then; but some occurrences took place which delayed it at that time. This Session it had been again taken up, and though some persons apprehended that it would not pass, he entertained no such fears. There were good reasons, why the Senate should pass the law.<sup>118</sup> He thought that its knowledge of the true interests of its citizens would cause it to remove the apprehension of those who feared that they would not meet us in the same liberal spirit. Had not Great Britain placed the grain produce of the United States, when brought into England, on the same favourable terms as similar produce from her own Colonies?<sup>119</sup> That was one reason. Another was that the first Act under the British Possession Act had imposed 50 per cent additional duties on British goods, and had put American goods on equal terms. That was another reason. Again, if the bill would increase the value of the production of Canada, it would be an advantage to the United States, as Canadians would be better customers; for no nation can continue the trade with another unless on terms of reciprocity. That all parties in the Senate must be aware of. If the report of Mr. Walker, the Secretary of the Treasury were referred to, it would be found that he stated that the trade<sup>120</sup> of this Province, with its 2,000,000 of inhabitants, did not more than equal that of the State of Connecticut, with only 300,000 inhabitants, whereas, under the Free-Trade system, the transactions between Canada and his country would be somewhere about \$400,000,000. He estimated the internal trade of the States, and that with Foreigners, respectively; the former at \$500,000,000, and the latter only \$150,000,000. This was not a local question which would limit its benefits to one side of the St. Lawrence or the other, but he maintained its advantages would secure to both shores of the St. Lawrence, River and Lakes. When prices in Europe exceeded those in the United States, the South shore traders would avail themselves of the St. Lawrence, and get the same prices, having the advantage in freights. But when the high prices, on the contrary, prevailed on this side of the Atlantic, he thought the North shore would do the same.--Some hon. members and others would urge against his measure that its benefits would be entirely partial for Upper Canadians alone, to the exclusion of those of the Lower Province. Supposing such an hypothesis, what then? Take the case of the farmer at Port Stanley--what would he do? He would duly consider the relative advantages offered by the Montreal and New York markets, and after making due allowance for the expense of transportation, would, of course, choose the best<sup>121</sup> of the two markets. When prices were higher in the United States, the produce of Lower Canada would go there, and Upper Canada should supply Lower Canada in the meantime. He would, in like manner, take cattle to the Brighton Market, at Boston, if it were dearer than that at Montreal, and that would advantage Upper Canada and the Townships. The latter would, of course, send to Boston, if Boston were better than Quebec. Who would supply Quebec? The farmers about Quebec and lower down, and that farmer would get the same price as the farmer in the Townships<sup>122</sup> near the Lines.<sup>123</sup> On the other hand, suppose markets were higher in Europe than in the United States. How would Lower Canada benefit then?

An export demand would then take place, and Canada would send the produce of the Great West to England<sup>124</sup> in case prices were higher there than here. In such circumstances<sup>125</sup> with the perfection of our canals,<sup>126</sup> the Corn and Flour that would find its way to the sea board, by the way of the St. Lawrence, would exceed the whole amount of those articles produced by Canada herself. This would cause a much greater demand for ships, and the Lower Canadians would supply the crews with those perishable articles that would not, from their nature, bear transportation.<sup>127</sup> He had obtained a statement of the relative prices for two years, in the markets of Boston and Montreal, viz: for 1847 and 1848, and he found from them that the average prices throughout had been higher in the Boston than in the Montreal market for flour and wheat, and every other article except pork. He would not take up the time of the committee by enumerating their prices; but he had obtained them from<sup>128</sup> a very reliable source<sup>129</sup>, a commission merchant of this city. It was one of those measures that would be naturally beneficial to the whole range of the country, to those living on the north, as well as those living on the south side of the valley of the St. Lawrence.<sup>130</sup> The subject of the Lumber Trade he left in the hands of those merchants and others, who understood that branch much better than he did. From what he could learn, this measure was not objected to by those representing Quebec interests, with the exception of the article of animals.<sup>131</sup> But he thought that if they looked into the matter they would be satisfied that the markets were better, in the States than in the Townships. Now, what were they to do with protection to agriculture? He would set manufactures out of the question--this was not a protection or a free trade measure, but a measure founded on common sense.<sup>132</sup> Let them put a duty of 5s. a bushel on wheat or £10 a head on cattle. If the prices were better in the States, there traders would go, and, of course<sup>133</sup> deprive us of the value of that market for sending produce there, to get the highest prices<sup>134</sup>. Of what earthly use was the imposition of protective duties on certain articles, in our markets, if those very articles never came to us? Pork alone had for some years past come to our markets--hence his reason for his present measure--only more immediately calculated to benefit the Canadians.<sup>135</sup> In the discussion of this question on the other side of the lines, it was said that this measure would benefit the trade of our neighbours, and so it would, the measure would benefit both countries<sup>136</sup>.

MR. H. SMITH, Frontenac, No, No.<sup>137</sup>

MR. PRES. EX. COUN. MERRITT ((continued:)) He did not expect to convince the hon. member for Kingston: he never would be convinced. It was highly important that this measure should be passed through the United States Congress: that measure could not fail to be beneficial to every interest in Canada, and by<sup>138</sup> speedily<sup>139</sup> passing this resolution to-night it might have a beneficial effect in assisting the passage of that bill. He thought the resolution would not have to encounter any very formidable opposition.<sup>140</sup>

MR. BROOKS said, although not objecting to the principle of reciprocity,<sup>141</sup> ((he)) was against hurrying forward the present measure until the intentions of the American were known.<sup>142</sup> If the measure was passed there at all, this Congress, it must be passed before the<sup>143</sup> 1st. March next, and then we should have abundance of time during the present Session<sup>144</sup>, whereas if they carried the measure now, it might be a dead letter for



several years to come; and in the meantime we might see reason to change our opinion on the subject.<sup>145</sup> And the uncertainty arising from such a state of things, in the public mind, was highly objectionable.<sup>146</sup> Reference had been made by the hon. member for Lincoln, in introducing this resolution to the subject of cattle, about which he seemed to understand very little; that was a matter which the Lower Canadians understood better than the Upper Canadians. Hitherto when there were no duties on agricultural produce, our market had been swamped with cattle from the adjoining portions of the States of New York and Vermont,<sup>147</sup> the owners of which article generally sold for any price they could get<sup>148</sup>, underselling the Canadian farmers; whereas since duties had been imposed on agricultural produce from the States, the Canadians had had a good and prosperous market. The theory of the honourable member for Lincoln might be a very good one, but when put in practice, in the case of cattle, it was a most injurious one. For one, he was opposed to making experiments whilst the markets were already good, and the farmers (in the article of cattle) doing well.<sup>149</sup>

MR. H. SMITH (Frontenac) doubted very much whether the Hon. introducer of the Resolutions had succeeded in making many converts to his opinion. For his own part, he would say that he was a protectionist, not in favour of protection to agriculture merely, but also to our domestic manufactures and would therefore oppose the Resolution on the principle.<sup>150</sup> Looking at the conduct of that hon. member in former days, it seemed an extraordinary "change had come over the spirit of his dreams." Reference to the Journals of 1843, informed him that he (Mr. Merritt) had at that period supported<sup>151</sup> a bill introduced by his Hon. friend and colleague--the Hon. Inspector General, for the protection and encouragement of agriculture; and now the Hon. Member took altogether another course, and desired to throw open our ports for the unrestrained influx of American produce. But he did not consider that the Hon. gentleman had made out a case sufficient to warrant the gentlemen representing agricultural districts, in giving their assent to his proposition; more particularly, as if it went into effect, it<sup>152</sup> was neither more nor less than the first steps towards establishing an entire Free-Trade system.<sup>153</sup> There was one portion of this subject which he should wish to have seen the hon. gentleman touch upon, but which he carefully avoided, and wisely. He confined himself to the consideration of the question so far as it regarded wheat and flour, but<sup>154</sup> he had prudently lost sight of one very important matter; he did not say anything as to the prospects of increased prices, or the furnishing a market for coarse grain<sup>155</sup>. At present they were consumed with the brewer and distiller,--the farmer found a ready market and obtained cash for his produce, but if this resolution went into effect, that market will be closed against him at once. He would tell the hon. gentleman, in confirmation of his opinion, that when the duty on all grains was seven pence sterling per bushel, the American brought immense quantities of oats into the Upper Canadian markets, and sold them at fifteen pence per bushel, after paying the duty. What would have been the effect of such an importation without the duty, of 7d. per bushel?<sup>156</sup> Why, the Canadian would be driven out of the field by American underselling.<sup>157</sup> He would ask hon. gentlemen to look carefully at the state of the country during the last two years. Observe the effect already produced by the free trade schemes in driving the trade of Upper Canada to New York instead of Montreal,

and then say whether they were disposed to vote for this resolution, which would complete<sup>158</sup> the destruction already began (sic).<sup>159</sup> The fact is, that if they are driven to the New York market to sell their produce, they will<sup>160</sup> most probably<sup>161</sup> there make their purchases, and the whole of that trade will, as a matter of course, be lost to the Colony, and it must also be naturally expected that where people are accustomed to deal, their sympathies will gradually be interested also. He should have been happy to hear the hon. member explain what effect this resolution would have in creating a market for wool, a most important matter to the agriculturalist, as also butter and cheese. If he could conceive that the avowed object of the hon. member would be obtained by the opening of our ports, namely the increase of prices of agricultural produce, he should be happy to vote for it; but as the hon. member had not succeeded in making that perfectly clear to his mind, he should oppose it as he was convinced it would bring our agriculturists into competition with farmers of the United States--a competition which could not be anything but ruinous. In conclusion, he would remark that the introduction of the resolution was ill timed<sup>162</sup>, premature in the present position of the matter now before the American Legislature<sup>163</sup>, as the American Congress had laid the reciprocity Bill on the table; and, by late information, it would seem that it was very unlikely to be taken up again this session. He would therefore move in amendment,<sup>164</sup> that "no action be taken in the matter, till our Government had ascertained that the American Legislature had sanctioned the similar measure now before it."<sup>165</sup> The Americans would not come to Canada because the prices were higher in New York. They would therefore use their own canals.<sup>166</sup>

MR. PAPINEAU ... in French<sup>167</sup>. J'ai eu à déplorer que nous ayons été appelés si tard à prendre cette mesure en considération. Elle est de toute importance pour le pays. Il est à regretter qu'on ne s'en soit pas occupé l'an dernier, alors que le congrès était dans sa grande session. Aujourd'hui il n'est que dans sa session de trois mois et il est probable que dans une session aussi courte, il ne pourra pas s'occuper d'une mesure aussi avantageuse pour ce pays; plus avantageuse encore pour nous que pour les Etats-Unis. C'est ce qui me fait déplorer que nous n'avons pas passé plutôt ces résolutions. J'espère qu'ils passeront aujourd'hui. Il serait extraordinaire en effet qu'à deux jours de distance on pût se mettre en contradiction, comme nous le ferions si, après avoir demandé la liberté de navigation, nous allions aujourd'hui vouloir de la gêne, des restrictions dans le commerce.

Quel est l'objet des résolutions actuelles? C'est, non de vous forcer à aller acheter ou vendre aux Etats-Unis, vous serez toujours libres sur ce point; mais c'est de vous donner l'avantage d'avoir deux marchés au lieu d'un pour la vente de vos produits. Lorsque l'on considère combien est grande la consommation de villes comme celles de New-York et Philadelphie, on s'aperçoit que bien vite le surplus des produits de cette colonie trouverait à s'y vendre et augmenterait de prix. Nous pouvons porter à New-York nos produits au quart du prix auquel nous pouvons les envoyer en Angleterre. Dès lors toute la différence dans le frêt est autant de gain en faveur des cultivateurs du pays. Quant à la consommation du surplus des produits d'un pays peut se faire par les villes qui existent dans ce pays, alors il a moins besoin de marchés étrangers; il peut s'en passer. Mais ce n'est pas dans un pays comme suffit pas à



l'absorption d'un tiers du surplus de produits de l'agriculture.

La proximité des lieux bien peuplés ouvre un marché, donne de grands avantages aux cultivateurs des environs. New-York est pour nous un marché plus rapproché que Londres; Eh! bien c'est New-York qui est notre endroit de commerce, notre débouché le plus avantageux, parce qu'il est le plus près. Et dans nos affaires commerciales, il ne faut avoir nullement égard à nos relations politiques, mais uniquement au plus ou moins de profits que nous pouvons espérer. Or quand on vient acheter chez vous, ou que vous pouvez aller vendre vos produits à une petite distance, et, pour ainsi dire, à vos propres portes, vous devez nécessairement trouver plus d'avantages qu'à aller les vendre au loin. Et c'est l'avantage dont vous jouirez, si vous vous ouvrez les marchés américains.

Pendant assez longtemps il y a eu des barrières qui séparaient les Canadas des Etats-Unis. C'était une large lisière de forêts, c'étaient des chemins impraticables. Mais aujourd'hui que des chemins à lisses se multiplient, que nous sollicitons l'emploi des capitaux pour ouvrir avec les Etats-Unis de nouvelles voies de communication, allons-nous boucher nos canaux, renverser nos chemins à lisses? Cela serait une contradiction manifeste que d'un côté, vouloir pour l'encouragement de l'industrie des rapports faciles avec nos voisins; et, de l'autre côté, les nullifier, les paralyser par de lourds droits d'entrée.

La consommation des villes peu nombreuses et peu peuplées que Québec et Montréal, et autres villes du Canada, ne suffit pas à consommer la troisième partie des produits agricoles du pays. Et comme c'est l'étendue des demandes que règle le prix des produits, en ouvrant à ce surplus de nos produits de nouveaux marchés, non seulement nous trouverons à les vendre plus facilement, mais encore à en obtenir de plus grands prix.

Nous ne sommes pas les ennemis des dollars américains; ils valent vieux pour nous que les souverains anglais, si on nous en donne pour une plus grande valeur, en échange d'une même quantité de nos marchandises.

En facilitant les communications avec les marchés des Etats-Unis, ou en général avec ceux qui sont le plus avantageux, nous engageons les consommateurs de ces marchés à consommer les produits de nos cultivateurs. Il y a aussi alors plus de personnes qui s'engagent dans le commerce de transport, et ce sont pour nous autant de consommateurs de plus, qui s'établissent dans le pays. C'est ainsi qu'en multipliant les classes ouvrières et autres, dans un pays comme celui-ci, où la nature porte le plus grand nombre à être cultivateurs, nous encourageons l'agriculture en lui donnant par là de nouveaux consommateurs.

L'hon. M. Papineau fait ici quelques remarques sur les avantages que devra retirer le commerce des lois de la navigation, etc: (quelque bruit dans la Chambre nous empêche de saisir ses paroles.) Il continue ainsi:-- Il y aura donc plus de vaisseaux qui viendront à Québec et qui emploieront un plus grand nombre d'hommes à cette industrie; il se consommera donc naturellement une plus grande quantité encore des produits de l'agriculture. Mais pour cela il faut que le prix des produits ne soit pas trop élevé. Autrement au lieu de s'approvisionner ici, ils s'approvisionneraient au dehors. Si au contraire ils ont la faculté d'acheter dans le pays à des prix modérés, ils le feront.

Il serait donc impolitique de vouloir, par des moyens artificiels, hausser les prix de nos produits. Ce ne sont pas les taxes, ou les tarifs de quelque nature qu'ils soient, qui peuvent hausser les prix des denrées dans un pays; c'est une consommation réglée, de plus en plus large, qui

peut hausser les prix; et c'est dans la liberté de commerce que ce pays trouvera cela; ce n'est qu'avec le commerce libre qu'il nous viendra du dehors un plus grand nombre de vaisseaux, et conséquemment de consommateurs étrangers. Nous aurons alors seulement la chance de détruire nos prix de monopole et de les voir remplacer par des prix plus naturels, effets certains de la compétition.

La crainte de voir les habitants des pays voisins amener des animaux pour la consommation du pays qui, dit-on, en a déjà trop, est une crainte mal placée. Pourquoi le pays en aurait-il plus qu'il n'en peut consommer. Je dis, au contraire, qu'il en produit moins qu'il ne lui en faut pour sa consommation. Autrement une partie des vaisseaux qui viennent dans nos ports en prendraient pour les porter dans les marchés de l'Europe. Ce n'est qu'avec beaucoup d'acheteurs que nous pourrions avoir de bons prix. Quelque mesure que ce soit qui réduise le nombre des acheteurs nuit au cultivateur. Et ici, il est bon de remarquer qu'on ne peut pas espérer commercer avec un pays et avoir seul tout le profit. Ce serait se supposer des lumières par lesquelles on pourrait toujours faire tomber les autres pays dans le piège qu'on voudrait leur tendre. Il faut supposer les autres nations aussi éclairées que soi-même. Les Etats-Unis surtout ne peuvent pas être trompés ainsi.

Les américains ont pu applaudir dans leur longue session de l'an dernier aux idées de liberté de commerce. Le parti des libres échangistes y était en majorité. Il y a maintenant un moment de réaction qui tient à des causes particulières. La guerre qui a été si glorieuse pour les américains, qui les a tant enrichis, a porté au pouvoir le parti Whig, parceque le parti commerçant voulait la paix avant tout. Le parti Whig a été ainsi substitué au parti Démocrate. Et il y a peut-être un peu moins de chances que les doctrines si clairement exposées par le dernier gouvernement des Etats-Unis, qui démontre d'une manière si tangible, combien leurs mesures financières ont eu de succès, soient aujourd'hui adoptées. Il est à craindre qu'il y ait un moment de réaction. C'est pourquoi il est plus important que jamais que nous nous montrions, amis du libre échange avec les Etats-Unis.

Souvent on a dit: il ne faut pas faciliter le commerce américain parcequ'ils ne favorisent pas le nôtre. Nos américains ne peuvent pas se rendre sans taxes sur leurs marchés.

Cela dépend de traités antérieurs internationaux. Il y a des traités par lesquels on dit: vous ne permettrez pas aux nations étrangères d'amener leurs produits chez vous libres de droits. Et nous avons été considérés comme nation, quoique malheureusement nous ne le soyons pas, et qu'on nous en nie les privilèges. Néanmoins les termes de ces traités sont jusqu'à un point un obstacle à ce que les Etats-Unis puissent nous faire de pareilles concessions. Si l'entrée aux Etats-Unis de certains des articles mentionnés dans ces traités, était libre, il en pourrait résulter une diminution dans leurs revenus. Ils ne peuvent pas nous faire des concessions qu'ils ne sont pas prêts à faire aux autres nations. Mais si nous adoptons les résolutions que l'on propose ce soir, les Etats-Unis se trouvent engagés envers nous, du moment que les nations de l'Europe resteront avec eux dans de semblables traités.

On a fait l'observation que les prix à New-York sont toujours plus élevés que ceux du Canada, en sorte que les américains ne voudront pas s'engager dans un commerce dont le profit serait toujours pour nous.



Cela est vrai jusqu'à un certain point, mais est-ce dans une année de disette, par exemple, les américains n'auraient pas un avantage à recevoir nos blés à un prix modéré? Ce ne sont pas les grands prix qui font la fortune des cultivateurs. C'est la régularité des profits. Si une année ils ont de grands prix et un autre année des profits bien petits, cela les mettra dans l'embarras. On s'accoutume durant les bonnes années à de grandes dépenses, puis tout à coup, on se trouve gêné, voilà ce qui amène la misère. Les colonies surtout sont affectées par les désavantages par cette incertitude dans les prix de leurs produits agricoles. Souvent un moment d'élan qui leur donne trop de profit, est suivi d'années de malaise qui les ruine. Donnez-leur plusieurs marchés et vous leur procurerez un prix certain qui les mettra à l'abri de ces rêves de fortunes qu'on y voit si souvent; les prix qui peuvent leur être les plus avantageux sont ceux qu'ils peuvent obtenir par des moyens naturels.

Qu'on prenne tous les moyens de faire baisser le prix de nos produits; qu'on fasse voir sur les marchés de Québec et de Montréal une grande accumulation des produits agricoles comme on en voit sur les marchés américains, et vous verrez aussitôt, quand vous aurez la liberté de navigation, accourir dans nos ports les vaisseaux Européens et de l'Amérique Espagnole, comme ils accourent aujourd'hui dans le port de New-York. Ce qui a attiré les consommateurs dans de pareils cas, c'est le bas prix des produits; et le grand nombre de consommateurs fait la richesse de l'industrie agricole. Qu'il y ait dans Québec la même accumulation de produits que dans New-York et vous y verrez la même activité, la même vie, le même commerce. Ce qui engage les vaisseaux étrangers à porter en aussi grand nombre à New-York, c'est qu'on y trouve toujours à bas prix tout ce qu'on peut désirer; c'est là ce qui a fait de cette ville encore toute jeune, un centre du commerce qui ne le cède à peine à Londres même. Eh! bien donnons-nous le même avantage en attirant chez nous, par la réduction de nos tarifs, une grande accumulation de produits de toutes sortes. Publiions à la face du monde que nous aurons toujours sur nos marchés des produits en grande abondance. Vous verrez aussitôt affluer les acheteurs sur vos marchés; vos produits agricoles atteindront les plus hauts; votre agriculture, votre commerce, votre industrie, de toute espèce ne pourront manquer d'en tirer avantage. Baissez autant que vous le pouvez vos tarifs, si vous voulez être propères chaque fois que vous créez une taxe de cette nature, vous éloignez les acheteurs, vous nuisez à la prospérité du pays, vous créez des prix de monopoles; vous nuisez aux producteurs. Tous les cultivateurs sont marchands; ils commercent sur leurs produits; vous leur nuisez donc en diminuant le nombre des acheteurs; et c'est ce que vous faites par vos tarifs élevés. Vous mettez par là tout le commerce entre les mains d'un petit nombre de monopoles, qui vous offrent les prix qu'ils veulent pour vos produits; vous n'avez que des prix bien minimes. Par une législation plus éclairée nous attirerions ici les négociants étrangers qui, connaissant les besoins de l'Europe, seraient heureux de venir chercher nos produits. Il importe peu à celui qui a faim qu'il se procure ses vivres à New-York ou à Montréal; tout ce qui lui importe c'est de savoir où il les aura à meilleur marché; et si on peut les lui donner à aussi bas prix, il viendra aussi bien les chercher ici qu'ailleurs.

Les produits, tout considérables qu'ils soient, qui se trouvent sur les marchés de New-York ne peuvent pas suffire à toutes les demandes. Les acheteurs diront donc: puisque nous pouvons tirer des produits du Canada

à bon marché au moyen du Lac Champlain et des chemins à lisses qui bientôt vont être terminés, allons les y chercher.

La province a maintenant moins de frais à payer pour envoyer ses produits sur les marchés de New-York, qu'elle n'en a à payer pour les envoyer à Londres. Grâce à notre nouvelle législation, nous nous trouverons bientôt maître d'un des ports de mer les plus avantageux pour le commerce qui existent. Est-ce donc que ça pourrait être là pour nous un malheur? New-York est le port qui nous offre le plus d'avantages commerciaux, parce que c'est notre marché le plus voisin, en même temps que le plus fréquenté. La proposition actuelle ne nous obligeant pas à aller à New-York vendre nos produits, mais nous en donnant seulement la facilité, il n'y a pas à hésiter dans cette démarche. Il ne s'agit dans le cas présent que de vouloir un peu plus ou un peu moins de liberté, et il ne peut y avoir un homme qui se dise: je ne veux pas de cette liberté, je veux qu'on me restreigne. Ça serait n'avoir aucune confiance en soi que de refuser cette liberté, tandis qu'au contraire ça ne serait qu'avoir la confiance que convient à un homme éclairé que d'accepter cette liberté qui ne pourra qu'aider notre industrie et faire honneur à notre intelligence.

C'est une question un peu étrangère à celle dont il s'agit que celle de savoir si on doit encourager nos manufactures par des droits protecteurs. Je crois néanmoins devoir dire, puisqu'on a touché à ce sujet, que ces manufactures ne pourront subsister ici d'une manière durable que lorsque ce sera des circonstances naturelles qui leur auront donné naissance. Vous ne pourrez espérer les établir d'une manière avantageuse que quand vous aurez fait en sorte que les prix des vivres et de l'ouvrage soient devenus infiniment plus bas qu'ils ne le sont aujourd'hui en Canada. C'est surtout lorsque vous aurez établi de la stabilité dans les prix des produits agricoles que vous pourrez penser à établir des manufactures. C'est cette stabilité surtout qui pourra nous donner une agriculture aussi propice que le permet notre sol, et non pas une industrie soutenue par des moyens artificiels. Vouloir forcer ici l'établissement des manufactures par des lois protectrices, c'est vouloir, par des primes, encourager nos habitudes à l'élève de ROIS qui mourront au bout d'un ou deux ans. Toute entreprise qui ne peut se soutenir que par une législation artificielle ne peut durer; elle est condamnée d'avance à périr; c'est l'avis de tous les écrivains éclairés du jour. La contrebande en fait bientôt justice. Si vous voulez parvenir à pouvoir établir des manufactures d'une manière durable et avantageuse pour le peuple en général, ayez les rapports commerciaux les plus étendus possibles; mettez-vous en communication avec les pays riches et éclairés, surtout avec ceux qui ont un bon système agricole et tâchez de les imiter.

Mais vous ne pourrez par lutter avec eux!

Non, pas en tout. Nous dépendrons, par exemple, toujours des américains pour avoir des cotons. Mais je dis tout le littoral des Etats-Unis ne peut pas lutter avec nous pour la culture du blé. Nous dépendons des états voisins pour les fruits; mais ces mêmes états dépendent de nous pour les grains, depuis Portland à la Nouvelle-Orléans. Nous avons plus de blés dans les deux Canadas qu'il y en a dans toute cette vaste étendue de pays. La liberté de commerce doit être approuvée par tous les hommes sensés.



Les libertés sur tous rapports sont bonnes pour les hommes qui en sont dignes. La liberté n'est repoussée que par ceux qui aiment l'injustice et qui se disent: avec un petit capital je puis m'enrichir, non pas par mon mérite, par mon travail ou mes talents, mais par l'injustice envers mes voisins. Une industrie forcée ne peut prospérer qu'à détriment d'industries plus désirables.

Je crois que d'après ces considérations générales, on comprendra qu'il serait contradictoire de demander la liberté de navigation et de nous opposer la proposition qui nous est faite actuellement. La seule protection qui soit raisonnable et dont ait besoin le pays dans cette circonstance, c'est celle qui diminuerait les prix de frêt sur nos objets de transports. C'est détruire les prix de monopole, et en mettre les profits dans la bourse de nos cultivateurs que de rendre le commerce aussi libre que possible. En ouvrant la compétition sur nos marchés aux marchands étrangers nous donnons à nos classes agricoles le profit injuste que nous étions obligés d'accorder au marchand anglais. C'est là le seul encouragement que doit avoir l'agriculteur. Vouloir lui donner de l'encouragement par des taxes, c'est une erreur. Les taxes sont un mal nécessaire. Il est nécessaire d'en avoir pour le revenu, sans quoi le gouvernement ne saurait se soutenir. Mais on doit d'ailleurs les regarder comme un mal qu'il faut éviter autant que possible. Hors de la considération du besoin de revenu, toute taxe est un inconvénient, qui ne peut faire prospérer un pays, qui ne peut être utile à une industrie qu'en nuisant à d'autres industries.

Si on entend par liberté de commerce, qu'il faut faire disparaître les revenus des douanes, je suis loin d'être en sa faveur. L'utilité d'un semblable mesure ne peut dépendre que des lieux et des circonstances. Il peut y avoir des pays où la taxe directe puisse être préférable; mais un pays comme celui-ci ne souffrirait pas cette taxe. Elle ne pourrait pas ici subvenir aux frais du gouvernement. La nature des gens de nos institutions ne permet pas de songer à cette taxe. Je n'entends donc pas par liberté de commerce pour ce pays une abolition totale de tous nos droits de douanes, ce qui nécessiterait le prélèvement de taxes directes. J'entends par liberté de commerce, la plus grande réduction possible sur les droits qui pèsent sur cette industrie; je veux qu'on ne taxe le commerce, que jusqu'à concurrence de ce qui est nécessaire pour fournir des revenus suffisants pour subvenir aux dépenses nécessaires d'un gouvernement vigilant à favoriser l'économie dans tous les départements du service public. C'est sous ce rapport que je suis ami du commerce libre. Si la société pouvait se passer de gouvernement et de taxes, je serais pour le commerce libre dans toute la force du mot, c'est-à-dire, pour l'abolition totale de tous droits sur les objets de commerce.

Hors le besoin du gouvernement, comme je l'ai déjà dit, toute taxe est nuisible; et l'industrie qui prospère au moyen des taxes établies en sa faveur ne prospère qu'aux dépens d'autres industries; de même que des taxes prélevées en faveur d'un village ne peuvent être utiles à ce village qu'en réduisant la valeur des propriétés du village voisin.

Je crois que nous ne devons pas perdre de temps, si nous voulons tirer les avantages que nous promet cette résolution. Je crois que la session du congrès ne sera pas assez longue pour que son action puisse correspondre à la nôtre; au moins nous aurons montré au monde que nous

savons apprécier de si hautes mesures, nous aurons fait voir à la portion la plus éclairée du pays voisin, que sous sommes dans la disposition de ne pas regarder comme ennemis ceux avec qui nous sommes appelés à avoir des rapports commerciaux aussi fréquents. Je pense que la mesure que propose l'hon. membre est de toute sagesse; elle doublera l'industrie du pays, elle doublera les profits que nous donne le commerce des bois; elle haussera le prix non seulement de tous nos produits agricoles, mais amènera partout l'abondance et le bien-être. Dans les pêcheries il n'est pas une personne sur cinquante, malgré tous leurs louables efforts, qui ait réussi. La variation continuelle des prix de nos produits en a été la cause. La baisse de prix un année leur a souvent fait perdre les profits de plusieurs années de travaux les plus méritoires. La liberté de commerce remédiera à ce mal. Elle empêchera l'accumulation de grandes richesses, tout en assurant l'aisance générale. Et moi qui n'aime pas les grandes fortunes, mais qui aime une répartition aussi égale que possible des biens, non pas en dépouillant qui que ce soit, mais en assurant à tous les mêmes moyens de réussite; moi qui aime cette aisance universelle qui est accompagnée de l'amour du travail, je crois n'est-il pas étonnant que j'approuve des considérations du comité chargé d'examiner cette question.<sup>168</sup>

MR. WATTS made a few remarks in answer to Mr. Smith, of Frontenac, and said that<sup>169</sup> it had been stated that it would require strong reasons to make those in favor of Protection, to change their opinions and this he granted. In 1841, the agricultural interests of this country got a protection of 21 per cent, laid on all articles, the produce of America,<sup>170</sup> and the consequence ... was that the Americans clapt 20 per cent on their produce. Before the protection was introduced, the farmer who lived in counties near the American markets, derived more from the American Markets than they did from the Canadian ones.<sup>171</sup> No doubt, ((Protection)) was of some importance to those farmers who were near the markets of Canada, and it is thought that this was a benefit to persons on the Canadian side. The opinion had passed away, and they now sought to revert to the old system of free trade. The arguments made use of by the hon. member for Kingston, if he understood him, were more in favour of free trade than protection. He said that the price of wheat was higher in New York than it was here, and yet he said that this fact would not be in favour of the Canadian farmer. To him (Mr. Watts) it appears that if prices were higher in New York than they were in Canada, it must tend to the advance of the Canadian farmer.<sup>172</sup> Coarse grains were very much below what they were in the United States.<sup>173</sup>

Hear, hear, from MR. H. SMITH.<sup>174</sup>

MR. WATTS ((Continued:)) He thought that an argument in favour of the resolution.<sup>175</sup> He did not think that either the States or Canada would regulate the price of grain. In his opinion, the European market must regulate such prices, whether they were duty on the grain or not<sup>176</sup> and there would be very little if any difference between the markets of the two countries.<sup>177</sup> The article of butter, and several others had been for a considerable time higher in America than in Canada, and were he to refer to lumber, those gentlemen engaged in it well know that it was three times higher in America than in Canada. He would like not only to see breadstuffs admitted duty free; but he would also be in favour of admitting all kinds of agricultural implements and implements of husbandry added to the list. He would never be in favor of bolstering up an imaginary prosperity, and



whether the protectionists thought the country in a position to change its policy or not, he firmly believed that it would be for the interest of the country to do so. Was it right to protect two or three small manufactories, to pay 4d. or 5d. a yard more for their cloth than it could be got in America? He might also point them to the protection of distilleries.<sup>178</sup> Some years ago<sup>179</sup> a duty of 2s. a gallon had been put upon whiskey, and he would ask had grain risen in price since this duty had been put on?<sup>180</sup> At that time whiskey was selling for from 1s. 3d. to 1s. 6d.<sup>181</sup> He believed that whiskey was selling at the present time at from 3s. 3d. per gallon.<sup>182</sup> And had the protection enhanced the value of Canadian grain? it had not; and who had got the benefit of the protection? the distiller alone, who got 2s. more for his article than he got before, without it costing him any more.<sup>183</sup> If farmers had to pay 4d. a yd. more for cloth he would like to know whether they would receive 3d. a lb. more for their wool? He saw nothing in the measure proposed, but what was conducive to the benefits of the commerce of the country generally.<sup>184</sup>

MR. FOURNIER in a few words supported the amendment.<sup>185</sup>

DR. LATERRIERE asked if the measure before the House was a ministerial measure.<sup>186</sup>

MR. INSP. GEN. HINCKS--yes?<sup>187</sup>

DR. LATERRIERE opposed the measure.<sup>188</sup> It was desired to establish reciprocal commerce with the United States. Now he had not had one or two years, but thirty years experience, and he knew that Canada always had the disadvantage; for the simple reason that the Canadian climate was not the American climate, and that Legislative measures could not make to disappear. Wheat was the only thing that could only be sold at a loss. It was only the minority--gentlemen who carried on large lumber manufactories--who complained of agricultural protection. The vast majority were the farmers, who were in favour of them. In England they had been obliged to remove the protection from the farmer to obviate the greatest evils; but what evils had Canada to bear. It was the business of agricultural farmers to look to their own interests and he would therefore vote against the proposition.<sup>189</sup>

MR. STEVENSON was not so sanguine as the hon. member for Lincoln, nor had he so much theory: he could but speak of facts that had come under his own experience, the most weighty kind of argument on a question of this nature. Much had been said in the course of the debate about the advantage of having two markets, and no doubt it was very plausible to say, who would not rather have two markets than one? but he would ask was it not better to have one market worth something than two worth nothing? (Hear, hear.) And even granting that we could have two good markets, what good would it do us if two-thirds of our produce would not bear transportation?<sup>190</sup> Much of their grain would not.<sup>191</sup> It was all very well to say that we may have two markets, so that when prices are higher on the other side we can send there<sup>192</sup>, and that when it was higher here they could send here<sup>193</sup>. But let them enquire whether this can be the case under the circumstances in which we are placed. It may be the case in regard to wheat and flour; he would admit that it had been so during the last three years, but with the exception of these three years--the years 1845-47--it had not been so since 1820. It might be so hereafter--he (Mr. S.) was not able to look into futurity--but admitting

that the price of wheat<sup>194</sup> and flour might become higher on the other side than their own, let them see if they would not lose something, even if they gained that market for the articles he had referred to by the proposed measure. The District which he had the honour to represent was an agricultural one.<sup>195</sup> (Prince Edward.) It had not been considered the poorest in Upper Canada. No more than one-third of the produce of that district was wheat, the remainder consisted of rye, corn, barley,<sup>196</sup> maize,<sup>197</sup> peas, oats, pork, beef provisions and fruit, and though they might be able to send their wheat to the American markets, what was to be done with the other two-thirds of their produce which would not bear transportation even if there was a market for it, (hear, hear,)<sup>198</sup> which there was not; corn was lower in the United States than in this country. He had heard a great deal about the financial state of the country--that their treasury was not in the best state;<sup>199</sup> he had even heard it said that it was proposed to issue bills of credit;<sup>200</sup> it was true that<sup>201</sup> the duty on agricultural produce does not amount to a great deal, (hear, hear) but it amounts to something. In 1845, £24,000 was collected at the inland ports in Upper Canada, but there had been a gradual falling off in 1846, only £13,000 of this £639<sup>202</sup> or a 20th part was collected on flour. This showed that for that article at least we had nothing to fear from competition with the Americans; but in<sup>203</sup> coarser grains it was different, there would be large quantities of them sent in.<sup>204</sup> The Canadian agriculturists could not compete, and must be deprived of the home supply; and all those acquainted with the subject must know the difference to the farmer between the home supply and having to go to the foreign markets, although theorists might be unable to perceive it.<sup>205</sup> He would not say much about fruit and apples, but last year they produced £1100;<sup>206</sup> butter and cheese were not now imported, but he (Mr. S.) could recollect the time when the whole frontier was flooded with the American butter, and our farmers could not find a market for their butter and cheese. He would admit that this was not the case last year, but he would venture to predict that before five or ten years it would be so again; for even during the past year, with the high duty, 1574 cwts. of cheese had been brought over the lines.<sup>207</sup> The animals imported produced a duty of £1500.<sup>208</sup> Now, during all the years which these duties have been levied, nine-tenths of it had been on coarse grain, an article which we never could send to the other side. In what, then, did this reciprocity consist,<sup>209</sup> in nothing but theory,<sup>210</sup> for we being unable to transport the bulk of our produce to the distant market, all the advantage would be on the other side, that was to say if this mis-named Reciprocity Bill was ever passed.<sup>211</sup> They could not send their peas, for instance, to New York, what would they get for them<sup>212</sup>.

A voice--you will get a dollar a bushel.<sup>213</sup>

MR. STEVENSON ((continued:)) The same reasons for imposing duties on American produce exist now that existed in 1842-3, when, as had been observed, a measure for imposing them had been passed almost unanimously and he was confident the agriculturalists of Canada would feel so.<sup>214</sup> The duties ... had benefited the country, and he believed that most of the gentlemen opposite had voted for them. ... It was well enough to allow wheat and flour to come in; but the measure would destroy their market, for the coarse grains which could not bear the expense of transportation of the American market. Hon. member seemed to think that Free Trade was a panacea for all the evils which



existed in the country; but he would like to ask why he found that in<sup>215</sup> the city of Montreal<sup>216</sup> for instance<sup>217</sup> such a large number of stores and warehouses were occupied, and offered at rents 50 per cent less than they had brought for many years?<sup>218</sup> Many of them could not be let at all, and remained unoccupied, what was the cause<sup>219</sup>?

A voice from the Opposition--"It's Free Trade."<sup>220</sup>

From the Ministerial side--"No, it's the want of it."<sup>221</sup>

MR. STEVENSON ((continued:)) Had the number of inhabitants decreased--had they caused to export, had they ceased to import--had they ceased to produce?<sup>222</sup> What had become of the trade that formerly supported Montreal? Has, in short, Canada dwindled in population, wealth and production? He thought not; but the answer was clear and evident--the decline of trade in Montreal was owing to but one cause--free trade. (Cheers and ironical cheers.)<sup>223</sup> The trade had left its natural channel, and gone south; and how was it if the markets on the other side were higher and better than their own; that they had sent beef, butter, cheese, &c., to their markets.<sup>224</sup> The hon. member, in conclusion, declared his intention of opposing a measure such as was contemplated by the ministry, as being contrary to the interests of his constituents, and the whole Province.<sup>225</sup>

MR. EGAN said that hon. gentleman who opposed the resolution, attributed the present depressed state of Montreal to free trade.<sup>226</sup> ((He)) would like to know what free trade had to do with the depression that had existed in Canada.<sup>227</sup> He would take the liberty of pointing out to the hon. gentlemen that if this resolution had been carried through some years since, and if the people of Upper Canada had been alive to their own interests and enjoyed the blessings of reciprocity, this depression would not now exist.<sup>228</sup> But they could not send their wheat to the United States, because there was a duty of 20 per cent on it, but they been allowed to send it to the United States market, instead of sending it down to Montreal<sup>229</sup>, they could have been able to avail themselves of the favourable prices in the United States, and would have put upwards of half a million in their pockets, which would be still in the country<sup>230</sup>, which they had otherwise lost.<sup>231</sup> But he would beg hon. gentlemen to look upon the subject in another point of view, and, taking the article of pork--which was one of a good deal of importance to his constituents<sup>232</sup> of which they were large consumers<sup>233</sup>, as an example, ask them if it were not too much to expect that they should pay twelve shillings duty per barrel on that article for the gratification of a class of people who, not having the stock themselves, and not disposed to produce it, still cry out for protection<sup>234</sup> on everything, whether it did them good or not.<sup>235</sup> The hon. member for Prince Edward asked what should they do with their corn in the event of this resolution passing? He would tell the hon. gentleman what the people of Lower Canada would do with it--the Upper Canadians might do as they chose, but the Lower Canadians would sell it in Montreal; for, by a paper he held in his hands, he found that the duty paid on<sup>236</sup> American grain<sup>237</sup> alone, imported into Montreal, amounted during the past year to £1,500. It would perhaps be as well for the people of Lower Canada to imitate the example of the Western Americans who make Pork of their corn, and make it carry its weight to market on its own legs.<sup>238</sup> Members opposite had spoken about the vast amount of cattle that would be introduced, but they

had forgotten to speak of the large number of horses taken by the Americans.<sup>239</sup> He did not wish to trespass on the patience of the House, but he would remark with reference to the slight value set by an hon. gentleman opposite on the availability of sending our produce to the States in case of prices ranging higher there than in Montreal, that he did not imagine that hon. gentleman would send down his wheat to Montreal at 4s. if it were possible for him to enter the American market and there obtain a dollar.<sup>240</sup> Under all circumstances he considered it would be better for them to have two markets.<sup>241</sup> And in conclusion he would express a hope that hon. members from Lower Canada would not allow themselves to be carried away by bunkum speeches, under the impression that this resolution by introducing Free Trade would injure the Montreal trade forsooth.<sup>242</sup>

MR. H. BOULTON was in favour of the Resolution. His constituency was an agricultural one, and they were in favor of both free trade and reciprocity.<sup>243</sup> People in arriving at a conclusion on this question ought to look at the condition and character of the country.<sup>244</sup> This was an agricultural country, and it had been said that it had risen an an exporting country; but, as a principle, every exporting was also an importing country.<sup>245</sup> This was an opinion which he had long held and endeavoured to enforce on the attention of the British House of Commons in 1826.<sup>246</sup> Why was it that Quebec had not been in the receipt of more than what it had been, it was because the ships which came to Quebec were not certain of getting freight. But if the large American surplus came to this country, it would give them a large surplus; and if it was certain that there was a large surplus, it would induce foreign vessels to come there. And they should, therefore, do all in their power to induce the neighbouring States to send all their produce through their channels to their ports; and these remarks applied to all bread stuffs.<sup>247</sup> He would look at vegetables. The market of America for vegetables was much better than that of Canada, consequently they need not be afraid of the Americans sending vegetables into Canada, more especially as the Erie Canal held out so many inducements for them to take them to their own markets, where better prices could be obtained.<sup>248</sup> They would find that New York would afford a much better and higher market than they could get here. Fruit was not a matter of very great importance, but he must admit that they grew a little better fruit in the States than in Canada. Let them refer to cattle, and he thought that Canadians would not be found far behind the Americans in raising cattle. At the last Agricultural show at Buffalo, Canada did not play second fiddle<sup>249</sup>.

An hon. member--"Canada carried off the prize."<sup>250</sup>

Hear, hear.<sup>251</sup>

MR. H. BOULTON ((continued:)) Well if Canada could carry off the prize in beef, what had they to fear from reciprocity. Mutton was next, and he was told by a gentleman the other day that he had seen a quarter of mutton which weighed 50 lbs. This need not make hon. gentlemen afraid of competition. Hides stood next, and he saw no reason why raw hides should not be imported, if we can get them cheaper in the States than here.<sup>252</sup> The admission of raw hides would encourage their manufacturers. He now came to wool. The wool of this country was, it was well know (sic), peculiarly adapted to coarse cloth, and although he was not in favour of much protection, he would have almost been in favour of some protection.



Their manufactures were small, but they could equal the Americans, and even undersell them, and they could take their cloth to the United States, pay the duties on it, and still make something handsome upon it, and it was not likely the Americans would send any cloth here, when they could get better prices for it in their own market.<sup>253</sup> Of this fact he was informed by a manufacturer lately.<sup>254</sup> He next came to butter. He was as fond of bread and butter as anybody (laughter), and he thought it could be as well and cheaply made as in the States; and so could cheese.<sup>255</sup> Horns he knew nothing about. (Hear, hear.)<sup>256</sup> He now came to<sup>257</sup> Salt Beef and Pork. He saw no reason to keep ((them)) out, for as had been remarked by the hon. member for Ottawa, it was hard that a duty on manufactured timber to the amount of £7,000, should be laid upon it<sup>258</sup> to protect a few farmers in Upper and Lower Canada, who would not use his grain to feed his pigs, in order that they might produce pork for the Lumberer, ... a most important point<sup>259</sup>. Ores were of little consequence unless they brought some of the gold from California.--(Laughter.)<sup>260</sup> Lumber came next.<sup>261</sup> He thought it would be of great advantage to the country if the duty on timber was taken off, as there was little or no pine grown on the North West side of the United States, and even of what they had it was known that the price for driving &c., was three times as great<sup>262</sup> at New York<sup>263</sup> as it was in Canada. If the duty were taken off Staves and Timber he thought it would conduce to the interests of the people of Canada.<sup>264</sup> The hon. member then concluded by stating that he saw nothing in the measure which would not benefit the country.<sup>265</sup> It was a truth that all free countries prospered best, and those who had opened their ports to the commerce of the world had been the most prosperous.<sup>266</sup> Venice, the Hans Towns and Holland, all because they were the first who opened their ports to the world.<sup>267</sup>

MR. CAMERON said, this was he considered one of those vitally important measures, upon which every man ought fearlessly to express his opinion. It was a question which the country would decide upon hearing, and on which they had a right to be zealous and impatient. He was not surprised at the opposition to this measure from some gentlemen from Eastern Canada on the article of cattle.<sup>268</sup> But he was astonished that any persons from Upper Canada, more especially those from agricultural Districts should oppose, when the people from one end of Upper Canada to the other were in favor of it;<sup>269</sup> he confessed when he heard the hon. member for Prince Edward speaking against it, he was as much surprised as if he heard the Speaker of this House declaiming against the Catholic religion or the French language. The whole bill was needed, but there were, however, certain trades<sup>270</sup> such as the lumber trade<sup>271</sup> which seemed to require this bill particularly,<sup>272</sup> The quantity of sawed lumber manufactured in Upper Canada was immense<sup>273</sup>, There were, he found a very large number of saw mills in the Province, over 1400,<sup>274</sup> which manufactured above 150,000,000 feet of timber annually, which was worth over £300,000 most of which would be sent to the United States.<sup>275</sup> In the District of Prince Edward alone he found there were 43; for his own part he would not like to fall into the hands of his constituents after making such remarks as he had heard. (Hear, hear.) But according to the promise of the hon. member, he believed he should be able to convert him to vote for this measure that evening. He had spoken of Indian corn as a thing too soft<sup>276</sup> for exportation to the United States,<sup>277</sup> yet it was carried to Ireland, and was taken to Hudson Bay for consumption there. It did, therefore, seem somewhat soft to speak thus of corn.<sup>278</sup> Beans and

Peas<sup>279</sup> was another thing upon which the hon. gentleman seemed willing to base the entire argument. He said they were soft too. Well, there was a gentleman in the House who had that year sent pease (sic) to Cincinnati; all the way up stream; so that they could certainly go to New York.<sup>280</sup> The Peas sent to Cincinnati realized \$1 $\frac{1}{4}$ , while at the very same time Peas were selling in Toronto for 1s. 6d. a bushel. The hon. Member had admitted that Wheat would for the last two or three years, have been profitable,<sup>281</sup> indeed he could not have been anywhere in Upper Canada without hearing the complaints of farmers who had to sell their wheat from 6d. to 9d. less than they could get at a stone throw from them<sup>282</sup> on the other side of the river.<sup>283</sup> The hon. member, however, spoke of that as something accidental, instead of regarding it as the consequence of the changes in England--changes which had been produced by the resolution of the mass of the people no longer to submit to the protection which was imposed, not for the colonist; but for a few individuals of the Mother Country. People here thought it a great boon, however, to have the differential duties taken off, although instead of anything being taken off, duties were put on, till a high tariff was in fact built up.--<sup>284</sup> And as to Ores, it was notorious the Montreal Mining Company had sent large quantities of Ore to Baltimore,<sup>285</sup> and that in preference to England, because the price was no less than £3 per ton higher in the one place than the other. Next year thousands of tons would be sent there<sup>286</sup> if the duty was removed.<sup>287</sup> So that the duty was a matter of no little consequence.<sup>288</sup> OR the dullness and depression<sup>289</sup> the shutting of the shops was not caused by free trade, for there had been no free trade. If there had been, the people would not have been tied up and hampered as they have been. The article of hay had never been sold for more than 3s. 9d. or 4s. in Canada, until a few years ago, when a trade was opened with the United States, and now thousands of barrels were sent there at \$2.<sup>290</sup>

MR. HOLMES remarked that the hon. member for Prince Edward Island had spoken on the soft article of Indian corn being sold in Ohio for 15c. per bushel. The hon. member was in error; for the last two years Indian corn had never been lower than 25 to 30 cent, and but for the odious navigation laws, we would lay down that article in Ireland cheaper than the people from New York. The hon. member had shown that 10,000qrs. of corn had paid duty for coming into Canada; but he had omitted to state that it was not sent for consumption, but to be re-exported to the United States, where it could be laid down by the Canadian Canals cheaper than by way of the United States. Therefore, that fact was a proof of the advantage of these canals. The hon. member also<sup>291</sup> had spoken about the large amount of their coarse grains, which in his opinion required protection, because it was too soft or bulky to be exported<sup>292</sup> and therefore it could not seek the higher market of the United States. But if these things could not bear transportation, surely the argument cut both ways. If Canada could not send those grains to the United States, the latter could not send them to Canada. But what was the fact?<sup>293</sup> He had read the prices both in Montreal and New York<sup>294</sup>. Out of the whole list of articles, on the average of five years, there was one--namely, moss pork--which did not bear a higher price on the sea board in Montreal and Quebec. The hon. member here gave the average prices of wheat, flour, pearl ashes, &c., in proof of his assertion.<sup>295</sup> Wheat here had never exceeded 5s. 6d., in New York 6s. 4 $\frac{1}{2}$ d. had been given for it. On flour there was a difference of a dollar a barrel in favour of



New York. Ashes held in Montreal for 27s, at New York for 29s, and peas, while it was said that they had sold at Toronto for 1s. 6d, were now selling for 5s. 6d.<sup>296</sup> to 5s. 10d.<sup>297</sup> at New York. It was to his own knowledge that peas had been exported from Montreal to Cincinnati<sup>298</sup> where they were sold at a very remunerative price<sup>299</sup> and if they could be exported there they could be exported to New York.<sup>300</sup> Then of timber: it was clear that if this bill were passed, and the necessary means taken for carrying on the trade, that branch of the traffic with the United States would be as<sup>301</sup> extensive, and more valuable, than their lumber trade with<sup>302</sup> Liverpool. Canada exported timber to Liverpool in the rough state, whereas<sup>303</sup> it was all cut timber that was sent to the United States<sup>304</sup>. Instead of a tree producing \$10, it would thus yield \$30 or \$40, and the difference would go to the pockets of Canadian labourers.<sup>305</sup> Every one of their streams would be shaded with sawing mills.<sup>306</sup> Yet that at present, would be burdened with duties on the articles necessary for getting timber out. This<sup>307</sup> mess pork, an article extensively used in the trade,<sup>308</sup> was not selling for \$4 a barrel in Montreal more than in the United States; and why? Because a duty of 11s. 3d. per barrel was laid upon that article, which it was impossible to produce in Canada--Though pork was produced in abundance, there was none produced of a quality necessary for lumberers. On that article alone the lumber trade paid six or seven thousand pounds per annum--Mess pork was not produced except in very small quantities, for out of one hundred barrels inspected, there was hardly more than five per cent of mess quality.<sup>309</sup> The causes which had led to the depression in Montreal, which had been spoken about, was not to be attributed to free trade or protection.<sup>310</sup> He was not aware, however, that any one article was admitted on the basis of free trade. The difficulty which had existed, was not a consequence of free trade nor of protection, but of the losses on provisions sent to Europe in consequence of the Irish famine, of which the prices<sup>311</sup> two years ago<sup>312</sup> ran down very suddenly.<sup>313</sup> The Irish famine,... turning out not so extensive as at first thought to be, occasioned a sudden depression in prices, and flour bought here for 37s. or 38s. was sold at Liverpool for 18s. or 19s. The amount of the losses thus sustained by their merchants, from that source alone, amounted to between two and three hundred thousand pounds.<sup>314</sup> On the timber trade it was probably as much; and these, with the subscriptions to the railroads and telegraphs, made an amount of capital sunk, for the present, in an unproductive manner, which could not have failed to cripple the commercial communities of Montreal and Quebec. As to the imports and exports, he was not aware that they had been less in Montreal and Quebec during the last three years than in any similar period.<sup>315</sup>

MR. WILSON would suppose that a farmer was directed peremptorily to plant corn (Indian) on a piece of low flat land, and sow grass on another portion of dry soil totally unfit for it. Would not the farmer exclaim against such an order as arbitrary and tyrannical, and claim the right of sowing his crop on the peculiar description of soil fit for it? Now the world is nothing more than a farm on a large scale, and the various countries on its face are, as it were, the fields thereof. Every country is naturally fitted by its soil and climate for the production of some particular article; and, as a matter of course, it becomes the interest of the country to cultivate its peculiar product to the greatest advantage, for the purpose of trading with such products of other countries as it may require. That he conceived

to be the broad principle; but, taking a narrower view of it, with reference to the subject immediately before the House, namely, the proposition to repeal the duties on all breadstuffs, he would remind hon. members that on the first day of this month, our protection in the English market would be reduced to one shilling per quarter. Experience shows that the price in this country, except in case of great calamity, depended upon the prices of grain in Europe. But in some cases prices in the United States would have also a great effect upon our markets if a reciprocity bill were once passed. His hon. friend, the member for Prince Edward, had jested at the idea of two markets being any benefit to the Canadian. Now according to his opinion, instead of being a subject for jest it would be a great advantage, for he could remember well, and he supposed his hon. friend could also remember, that not very long since there was among the merchants of Montreal a sort of compact by which they were enabled to give just what price they pleased. Did the hon. gentleman suppose that if the monopoly were here broken up by the opening of another market to the Canadians, such a state of things could exist. Quite the contrary; the Montreal merchants would conduct themselves as politely as possible, in which they would, as a matter of course, have to compete with the merchants of New York. With respect to the article of fruit, which is mentioned in the resolutions, he would merely remark that the whole country is being covered with orchards, and he was confident that in the course of ten years, instead of importing, we will, in reality, supply that country with fruit. With respect to the article of corn, which was brought forward by the hon. member for Prince Edward, as an article for which it is necessary to procure a home market, in consequence of its being too soft for exportation; he imagined that the hon. gentleman had made a mistake, as it is transported in large quantities to Ireland; but, at all events, such an argument would be of no force after the completion of the railroads, as even apples might then be transported to the American towns without damage. But, in reality, corn is not adapted well to our climate, as to that of the United States, and it will, perhaps, be as well to cultivate some other grain its stead (sic). The next thing to be considered is the article of cattle. Now, all that is required in Canada, is that the people should get a better breed of cattle, feed them better, and take better care of them, to enable us to compete successfully with any people in that article.--There is very little fear of being rivalled in that respect, when we remember that at the agricultural fair at Buffalo, in spite of all the bragging by the American papers of the superiority of their cattle, the people who took cattle over from this side, to the astonishment of all present, carried off several prizes. The hon. member then touched lightly on the several articles named in the resolutions, advocating the repeal of the duties thereon, and concluded with observing, that if hon. members were aware that seven-eighths of the articles included in the resolutions were exported to the United States, and that the country lost 20 per cent on their value, in consequence of the high duties levied on the other side, they would be disposed to do all in their power to urge on this so much desired reciprocity, and keep the 20 per cent in the country instead of putting it in the pockets of the American official.<sup>316</sup>

MR. WETENHALL, as the representative of an agricultural county, wished to say a few words on this subject, although the hon. member for London--as was often the case--had gone over the whole ground and said nearly all he had to say. He (Mr. W.) fully agreed in the remarks the hon. member had made,



and would state briefly some of the reasons for which he should support the resolution before the chair, he should do so, because he believed it would be a great advantage to the agriculturists of Canada, and particularly to those agriculturalists who had done him the honour of electing him as their representative. In his (Mr. W's) county, which was one of the best wheat growing sections in Canada, perhaps inferior to none, a great deal of the wheat, for the last three years, had found its way to the United States. Last year, when he returned home, he met one of the largest wheat growers, living in his county, who had just returned from Rochester, who told him that his brother-in-law, who resided there, had sold his wheat for 10s. 6d. (York) in Rochester, which made a difference of 3s. 6d. York per bushel, or 2s. 3d. currency, than if he had sold it in Canada, and this had occurred to all the wheat growers in his part of the country; upwards of 200,000 bushels of wheat found its way last year to the American market. He would state, without fear of contradiction, that he believed we grew as a good wheat in Canada, as they do in the United States--the wheat grown on the borders of Lake Ontario was fully equal to that celebrated wheat grown on the Genesee Falts. At the exhibition at Cobourg, he (Mr. W.) heard a large American wheat grower state that the samples of wheat exhibited at Cobourg, were superior to any Genesee he had ever seen, and he also said that if the duties were taken off, we should have American buyers with their money, coming over ready to buy our produce, and if they had the merchants of Montreal and Quebec, as well as those from the United States coming to the lake ports to buy our wheat, we should get fairer prices for our own grain than we have heretofore; and they would not be as so many have been during the last three years--losing from £50 to £250 on a single article. Then, with regard to cattle, they had been told by the gentleman opposite that if these resolutions were passed, the market for our cattle would be destroyed. Now, he, (Mr. W.) was quite of a contrary opinion, for it was a notorious fact that in Upper Canada the stall-feeding of cattle had almost entirely gone into disuse, and that from no other reason than because our markets here are not sufficiently remunerative. Two years ago he (Mr. W.) saw some cattle on their way to the Boston market, the person in charge of which told him they were already sold in the Boston market at eight dollars per one hundred lbs. He stated that the cost of transport from 50 miles west of Buffalo to Boston, with his expenses there and returning would amount to about one dollar per 100 lbs., so that in fact he received for his cattle seven dollars per 100 lbs.; whereas at the same period, cattle fetched in the Toronto and Hamilton markets only four dollars and a half; so that if the Canadian farmer had been able to make use of the Boston market, he could send his cattle quite as cheaply as the farmer living fifty miles from Buffalo, and instead of receiving four dollars and a half, would receive seven dollars which made a great difference to the farmer. At the agricultural fair at Buffalo, at which he (Mr. W.) was present, he had no hesitation in stating that the stock exhibited by Canadians, with the exception of horses, was not inferior to the Americans. (Hear, hear.) At the fair at Cobourg, the President of the New York State Agricultural Society told them that it was no use to cross the lines to get stock for we have better stock than they have. He thought, therefore, that farmers of Canada would be benefitted by obtaining the markets of the United States, in nine years out of ten they would probably get higher prices for their wheat, cattle and other produce than they do now. Then with regard to wool, he had not had any cash offered for his wool, and he had been a farmer for 16 years, except from

American buyers. Farmers generally had their wool manufactured, because there were no wool buyers, but within the last year a merchant in Toronto had collected a large quantity of wool which he had taken over at Buffalo, and sold, after paying the duty, at a very handsome profit; he thought, therefore, that if the American market were open to our wool, the Canadian farmer would suffer no disadvantage. With regard to what fell from the hon. member for Frontenac, he could not help smiling when he heard him say that he was a Protectionist. He heard a great many gentlemen who called themselves Protectionist, but he never saw one who was not in fact a Free Trader (hear, hear.) Those who cried out most for Protection, if they wanted an article, would go into the market and buy the cheapest one they could get without any regard to where it was made or how it came there (hear, hear) and they would buy even smuggled goods (laughter) and all their clothes and furniture were made out of the Colony--they would be far more consistent if they would cry out less for protection and do more for the encouragement of native manufactures. He cordially supported the resolution.<sup>317</sup>

MR. STEVENSON, in reply<sup>318</sup> to the observations made about their corn being too soft to bear transportation<sup>319</sup> said that it was well known that it was impossible to carry the produce of Canada to New York without adding a heavy per centage on the cost.<sup>320</sup> He had been for twenty years in the country, and he never saw them produce Corn which was hard enough to bear transportation, unless it was kiln-dried and asked if the price of Beef was also so high in New York and Boston, how was it that the Americans came in here now, and paid such a high duty to get their cattle sold here.<sup>321</sup> All articles which could not bear a long transportation was (sic) sent to the highest market. He believed that there were Merchants in the House, and men of common sense too, who were as likely to Judge of the effects of the resolution as those on the opposite side.<sup>322</sup> He did not think it was a very commercial thing for to send Peas from Lower Canada to Cincinnati, when there was thousands of bushels to be got in Upper Canada.<sup>323</sup> Why did they not send them to Montreal? The hon. member for Montreal had told them that 10,000 quarters of grain had been brought into Canada from the United States, and had to be sent back again. That wheat, however, was not sent here for the sake of consumption, but was merely taken up the hill and down again, paying duty both ways. That seemed a most improbable operation. He had previously referred to the present state of Montreal, and in answer to this it was stated that the imports of last year were as large as formerly. One thing he might mention as leading to this and he supposed it was the first instalment in free trade; he believed that the present state of trade in Montreal was owing to extensive losses which had been sustained in shipment of flour from Montreal and timber from Quebec.<sup>324</sup>

MR. HOLMES said that the hon. gentleman who had just sat down seemed to impugn the statement he had made respecting grain which had been brought here from the United States and sent back again, having paid a duty in coming into Canada and paying another duty when it was sent back again. He must say that the hon. gentleman had been speaking about a matter he knew nothing about. The grain was brought here in bond and neither paid duty in coming or going.--(Hear, hear.) He also thought it strange that peas should have been sent from Lower Canada to Cincinnati, but he might be allowed to remark that the soil of that country was not calculated to grow peas, and there had



been a large emigration there of a class of persons who had been in the habit of using peas as an article of food, such as the Germans, Hanoverians, &c, These people created a demand for them; and they had been sent and the speculation paid well.<sup>325</sup>

MR. STEVENSON said that he had been charged with speaking about what he knew nothing of, but he had taken the statement made by the Solicitor General for Lower Canada, who said that 10,000 bushels of wheat had been admitted into Canada, for which duty had been paid.<sup>326</sup>

MR. FLINT, in supporting the resolution, said, he did so because he believed that the inhabitants of the country were in favour of it. Whatever<sup>327</sup> little<sup>328</sup> he might know respecting the other articles, he thought he could speak<sup>329</sup> a little<sup>330</sup>. (Hear.) During the last year there had been one hundred and fifty million feet of sawn lumber sent to the United States, which in ordinary years<sup>331</sup> would be worth on the average \$8 a thousand feet, which would amount to £300,000; on this timber the lowest duty was 3s. 9d. per 1000 feet, amounting altogether to<sup>332</sup> £28,112. Against this we received as import duties on articles from the States, the sum of about £15,000. He would advert to the carrying trade, which seemed to have been overlooked by other hon. gentlemen. Were a measure of reciprocity entered into,<sup>333</sup> vessels would come to Quebec and Montreal, and take lumber to Boston and New Y., he felt assured that the vessels of Upper Canada would take the whole of the carrying trade in taking timber from the St. Lawrence to the United States. It would also bring into operation a superior description of vessels.<sup>334</sup> Take, for instance, a vessel drawing eight feet of water, of sufficient dimensions to carry 200,000 or 250,000 feet of timber. The price for freight from Canada to New York is on an average, \$9 for 1000 feet. This would give to a vessel from £450 to £560 per trip. The voyage to New York is made generally in from 16 to 20 days, including the time occupied in transshipment at Oswego and Albany, where much hurt is sustained by the timber. Vessels going by the sea board round New York could perform the voyage in about the same time and at less expense, as the timber had to be piled at each place of transshipment, for which a charge of 1s. 3d. is made for piling each thousand feet, and it was often the case that in so doing planks got split, which rendered them next to valueless. Now, were an improved description of ships to be used in this trade, they might be enabled to get a return cargo at New York, and could return by the St. Lawrence, which would enable them to take freight at a cheaper rate than could be done by American vessels, as the freight for lumber would enable them to convey at a cheaper rate than vessels which did not possess this advantage. This was a matter of pounds, shillings, and pence, and would enable the people of Canada to bring the eagles from the United States. He did not mean those eagles which went soaring in the air, but the golden eagles which would clink in their pockets. (Laughter.) An honourable gentleman had spoken about<sup>335</sup> their having no market for their rye<sup>336</sup>, but rye could be ground into flour and sent to the lower ports. He had sold rye flour, for which he had received from 1s. 3d. to 2s. 6d. within the price he had obtained for fine flour. Oats were commanding good cash prices, and he knew some millers who were doing well in corn,--in fact, he had been told by one that in one little operation alone, he expected to make £100. He was aware that some counties in Canada West did not grow much, for he believed that the large distillery at Belleville would consume in three months all the corn grown in the county. He thought that it would be

much better, if, instead of feeding the distilleries with the coarse grains, they were to commence feeding cattle. (Hear, hear.) He had seen a gentleman lately who had bought 88 head of cattle for the American market, and who was enquiring after the difference to make up 100. He asked how much he was giving a head. The gentleman told him he could afford to give eight dollars but if the duty were off he could afford from 14 to 15 dollars<sup>337</sup> for each cow.<sup>338</sup> (Hear, hear.)<sup>339</sup>

MR. STEVENSON.--And how much for calves?<sup>340</sup>

MR. FLINT.--They had no calves in his district.<sup>341</sup> All the calves, I believe, belong to your district. (Great laughter.) He would now make a remark or two on the ores of Canada.<sup>342</sup> Their country was rich in ores<sup>343</sup>. In the district to which he belonged, they had sufficient iron ore to serve the furnaces of the country for the next thousand years<sup>344</sup> and a thousand years after that again<sup>345</sup>, so rich that they could take it from the ground and put it on the anvil and beat it into a nail. It contained about 85 per cent., a description which they could not compete with in the United States.<sup>346</sup>

DR. NELSON represented a rural constituency, and he was happy to state that, with a few exceptions, he cordially supported the resolution<sup>347</sup> before the House. He had the opportunity lately of seeing some of the most intelligent<sup>348</sup> of his constituents, and he had been asked by them to support in the fullest manner the system of reciprocity which was about to be introduced.<sup>349</sup> There could be no doubt but that the St. Lawrence would soon have the supplying of the Eastern States with flour, and he trusted that there would soon be a chain of canals from this to New York, by means of a short canal from Longueuil to Chambly. He had been told by a gentleman from the United States, that if the bill was passed, the stock would all be taken up in the States in a month. The hon. member then proceeded to take up each of the articles, and to compare them with the prices and production of them in the United States<sup>350</sup>. We could not hear that hon. gentleman distinctly, but we understood him to argue strongly in favour of full and free reciprocity with the United States, as being a measure which would be of great importance both to Upper and Lower Canada.<sup>351</sup> ((He)) concluded by stating his intention of supporting the resolution.<sup>352</sup>

MR. CHAUVEAU then rose and moved that the committee rise, report on progress, and ask leave to sit again.<sup>353</sup>

Cries of no, no.<sup>354</sup>

The amendment was put and lost, only half a dozen members voting for it.<sup>355</sup>

MR. CAYLEY made a few remarks, the purport of which we could not hear, but the hon. member appeared, as far as we could learn, to be opposed to the passing of the resolution at that moment, when there did not appear to be any chance of its passing the American Congress.<sup>356</sup>

MR. PRES. EX. COUN. MERRITT stated, in reply, that the resolution had passed through the House of Representatives and was at this moment before the Senate for consideration. If that were the only objection he had to the resolution, he (Mr. M.) therefore confidently expected that he would vote for it, after the statement he had just made.<sup>357</sup>

COL. PRINCE.--It has not passed the Senate.<sup>358</sup>



MR. PRES. EX. COUN. MERRITT.--No. But it is hoped that if we pass this resolution, it will urge the Senate to do the same.<sup>359</sup>

MR. NOTMAN took occasion in a few remarks to state that his county was the largest in Upper Canada. A finer farming district did not exist in any part of Canada, and it was inferior neither to the County of Halton or the district of Gore. The whole of that fine County was, he knew, in favour of this bill.<sup>360</sup>

COL. PRINCE said he would not dwell long upon a subject which had been very able handled by parties on both sides of the House, and therefore nothing was left for him to say. But he was anxious to explain why he should vote for the amendment of the hon. Member for Frontenac, he himself being an advocate of Free Trade, and of all abolition of all duties between this country and the United States, provided the principle of reciprocity be acted on by that country. He had no doubt whatever in his mind, that Upper Canada in general approved of the measure advocated by the Resolution of the President of the Council, and that the majority of the people of the Western District did the same; and were essentially Free Traders. He also had no doubt they were advocates for a much more familiar intercourse with the people of the United States in all matters of commerce and agricultural, as well as other matters, and in those feelings he (Col. P.) very largely participated. But he was no advocate for hurrying through that House the Resolution of the President of the Council. He was desirous of waiting a little, and of learning, as soon we must learn, the result of the deliberations in the Senate of the United States upon this all important measure. Let them decide first whether they will grant reciprocity or not. He (Col. P.) had read the debates so far; many were in favour of it--many against it; and those against it argued that the whole benefit was on one side, and that we were over anxious to pass the measure. He therefore asked the House to pause, and if Congress passed the measure, then to pass one similar to it--if they rejected it, then we should remain as we were. But should the amendment be lost in that House, as he gathered from the general tone of the debate it would be, then he should at once vote for the Resolution, as well as for Free Trade whenever that question came up for debate. He would urge also another reason for a short delay. Although, as he before said, he had no doubt that the Western District, as well as Upper Canada generally, were in favor of the measure; yet it was somewhat strange that no petition has been forwarded to the House upon this important subject. He had, however, been this day informed that the country was not agitating the question, and that in Toronto and the Home District large and influential meetings were about to be convened, with the view of expressing their opinions; and he (Col. P.) therefore thought it due to Upper Canada, as well as to themselves, that a little time should be allowed for the further consideration of the subject, especially as a decision must be arrived at during the present Session, and more especially as no final action here would controul that of Congress, who (though some hon. members thought the contrary) would certainly decide the question, so far as they are concerned, without consulting us.<sup>361</sup>

MR. SOL. GEN. DRUMMOND fancied some persons supposed that the vote on this subject would pledge them for Free Trade or Protection. He thought that all parties would be at liberty to do as they pleased, if the Americans

did not pass the Act. When he was first elected, he had told his constituents, who were much in favour at that time of Protection on cattle, that he could only go for Protection so long as the Americans continued the duties on their side. Since that time he was happy to say that his constituents had become, in general, quite ready to admit American produce, if the Americans would admit Canadian produce. Some few of them were even ready to have Free Trade, even if the Reciprocity could not be obtained. The truth was that even in Lower Canada, the produce of grain was very much greater in proportion than that of cattle. In 1830 the parish of Varennes had shipped no less than 50,000 qrs. of grain from the quay. At present there were numerous mills along the line, whose proprietors came into the seignories and bought corn which after being ground they warehoused along the line, selling it to parties who came across and took it away in small quantities. But a large quantity was taken across, even paying the 20 per cent duty. Let any body look along the line of frontier, and they would see that on the other side the land was very inferior in quantity. On the other hand, there were no lands better than those of Lower Canada. It was within his own knowledge that in 1816, a gentleman who had laid out only £400 in clearing and preparing his land, had obtained from it 300 bushels of wheat, which he sold for \$3 per bushel, making £1,780. The price was much higher than can be obtained now; but put it at 5s. and say whether by laying out money in any other way, there can be such a return. The lumberers were spoken of with great contempt; but the lumberers are the pioneers of agriculture, and the Saguenay would not have one third of its inhabitants without them. The lumber trade paid into the coffers of the country £50,000 per annum, and maintained a population of 100,000 persons. In the year 1845, a very bad year, 11,445,429 bushels of all sorts of grain were reported by the censors as grown in Lower Canada. Now, why sacrifice the market for that, for the sake of the cattle which were comparatively so trifling; but which yet might be raised much better by stall feeding. He was much struck with what Mr. Papineau had said about railroads. To keep up duties was just the same thing as putting a bar across these railroads.<sup>362</sup>

MR. ROBINSON rose amidst loud cries of "question". He said he merely rose for the purpose of stating that he should vote for the resolution moved by his hon. friend the member for Lincoln. He had listened to the arguments on both sides attentively, and he had heard nothing to induce him to alter the intentions with which he had entered the house, of supporting the measure. Being in favour of the principle of the resolution, he could see no reason to postpone its adoption. He should therefore vote against the amendment.<sup>363</sup>

Hear, hear, from the Ministerial side.<sup>364</sup>

MR. J. SCOTT (Bytown), moved that the Committee do now rise<sup>365</sup>,

Negatived, without a division.<sup>366</sup>

MR. INSP. GEN. HINCKS said, that at that late hour he should not detain the Committee long, but he could not forbear from making some observations with regard to the course taken by some hon. gentlemen on the other side of the house. He could understand the conduct of members like the hon. gentleman from Frontenac and Prince Edward, who avowed themselves Protectionists, and in principle opposed to the resolution; but he confessed he was astonished at some hon. gentlemen who pretended to be in favour of the resolutions,



and yet endeavoured by a side wind to get rid of it. The argument advanced by these gentlemen was, that the law had not yet passed in the United States, and that therefore it was not necessary for us to pass it. The hon. gentlemen knew well that the bill founded on the resolution introduced by the hon. member for Lincoln, was not intended to come into operation unless the American Congress should pass a similar law. Did the hon. gentleman mean to say that they believed our passing this resolution, and showing our desire for reciprocal trade would prevent the American senate from passing their bill? He (Mr. Hincks) could not believe they did; and he was therefore surprised to hear them make these objections and join with those whom they knew were opposed to the principle of the resolution in endeavouring to oppose it. (Hear, hear.) With regard to the course taken by the hon. gentlemen who avowed themselves Protectionists, he could only say that they had talked in the way that all Protectionists talk. (Hear, hear.) They seemed to labour, as all Protectionists do, under the grossest delusion, and to advance the most absurd sophistries. The hon. member for Prince Edward stated, as protectionist always do, that the Free traders are theorists, and that they (the protectionists) are practical men, and speak from experience. His hon. friend the member for Halton, had most ably shown that in practice we are all Free Traders. The truth is that persons are too much in the habit of looking for themselves, and viewing the question as producers, forgetting altogether that all the members of society are consumers as well as producers. The consumers and producers have contrary interests--it is the interest of the producer of any particular article to have that article sell at a high price. High prices and protection are what he asks; but the masses of the community are consumers also. If they would only look at the question in that light, they would see that the interest of the whole community was to have everything as cheap as possible. But the gentlemen opposite who vowed themselves Protectionist were inconsistent, one of their great theories was let us have protection on our manufactures, but let us have the raw material duty free. Now what were the articles in which they desired to have Reciprocal Free Trade with the United States, the first article was tallow, large quantities of which were imported from the United States, at a mere nominal duty, because the hon. member for Huron in preparing his tariff, two or three years since imposed a duty of one per cent--that was a raw material. The next article was hides, well that was the raw material of our manufactures, also admitted at a nominal duty; the next article was seed, it has already been shown that whilst we are exporting some kinds of seed to the U. S., we are importing others, such as linseed for our oil manufactories, these are raw materials for our manufacture and it is therefore our interest to admit them duty free. Then there was the article of wool, the hon. member correctly explained that we were exporting and importing wool at the same time and that it was our interest to have Free Trade, we are exporting the coarsest description of wool and importing the fine. Then there was the article of salted provisions from which the principle part of the Revenue from these articles was derived. It had been shown by the hon. members who preceded him, that it was for the interest of our lumber merchants that this article should be imported duty free, in order that they may manufacture their lumber cheaply, for how could they have cheap labour without cheap food. A great appeal had been made to Lower Canada, it had been pretended that the interests of Lower Canada were different from those of Upper Canada, but what had they

heard in the course of this debate? The hon. member for Halton, one of the most experienced Agriculturalists in Upper Canada, told the house that he did not fear any competition with the United States, and the same thing had been said by the other Upper Canada members. Well then he would ask the Lower Canadian members, if the Upper Canadians could compete in cattle and grain and every kind of produce with the United States, did they not want protection against Upper Canada as well as against the United States? (Loud cries of hear, hear.) You are obliged to have Free Trade with Upper Canada, why should you fear to have Free Trade with the U. S.? (hear, hear.) The Upper Canadians can send you all these articles, cattle grain, &c., and if you are obliged to have free trade with them, is it not just as well you should have free trade with the United States? (Renewed cries of hear, hear.) In spite of what hon. gentlemen had been pleased to insinuate, he (Mr. H.) was in favour of encouraging in every possible way, the manufactures of the country, but he believed that those manufactures would be best encouraged by the removal of all restrictions. (Hear.) The hon. member for Frontenac had been pleased to refer to a contemplated measure of the Government, he alluded to the proposed reduction of the duty on whiskey, (as we understood the hon. gentleman) but the measure to which he referred would not have the effect which he supposed. What are the facts at present? Not one single dollar of revenue was derived from the article, at the same time that it was perfectly notorious that American whiskey was smuggled into the Province in large quantities, smuggling was constantly going on and the distillers were themselves aware of it; one of the largest distillers in Montreal told him (Mr. H.) the other day that if the duty on whiskey was reduced as proposed he would be compelled to shut up his distillery. He, however, admitted at the same time, that Ohio whiskey was smuggled into the country and that to his own knowledge at one large distillery in Ohio, 500 bushels of grain was crushed daily which came down here to Canada and entered into competition with our distillers without paying one dollar to the revenue. What then was the biggest object of the Government? This whiskey is being smuggled in; it is utterly impossible to adopt the suggestion of the distillers, and line the whole frontier with Revenue Officers--the expense and trouble would be enormous. It was perfectly notorious that there are certain rates at which whiskey and other commodities of the kind can be smuggled, and that there are persons regularly engaged in the trade; whiskey was undoubtedly to be considered one of those articles on which the Government should raise as large a revenue as possible, and put on the highest duties it will bear, but at the same time there was no use in putting on a duty which would cause that smuggling to continue, and he could not see what benefit it could be to the agriculturist who grows the coarse grain, that the Province should be deprived of the revenue on American whiskey coming into it, and competing with them as it now does, without producing any revenue, (hear.) With respect to the question of corn, he would ask why was it the (sic) such large quantities of corn were imported into this Province? What was the object of paying such large duties on that one article, but as raw material, for the purpose of manufacturing. And did hon. members now propose in the face of the principles of the whole Protectionists to impose a duty on the raw material imported for the purpose of manufacturing? The object of the inhabitants of every section of the country was to cheapen their means of transport to the American markets, clearly shewn by the energy with which they pushed on the different rail-ways; and yet it was singular that the same hon. members who were so anxious



for the completion of those railroads, in their different localities, attempted in the House to impose restrictions upon the trade between the two countries, which render them wholly inoperative. With respect to the action taken by the Legislature of the United States on this matter, he thought that some honorable gentlemen were of opinion that there was a very strong feeling against the reciprocity resolutions in the United States. For his part, he would say that after reading the latest debates in the Senate, he augured more favorably of its fate than he had hitherto dared to do. It appeared to him that after the members of the Senate were aware of the fact that their manufactures could be introduced into Canada at the same rate as English manufactures, they felt much more inclined to adopt a system of reciprocal free trade with Canada. He heartily wished that this measure might pass through the American Legislature. It was of the utmost importance to this country, and he regretted to see that some honorable gentlemen had come forward, apparently actuated by political motives, in opposition to this measure.<sup>367</sup>

MR. CHAUVEAU declared his intention to vote for the resolution, though, if he could have made any distinction without sacrificing the advantage, he might have done so with regard to some articles. But he thought the inconveniences were enough to give up the conveniences. He hoped the sacrifice made by the District of Quebec would be acknowledged, and that local ameliorations would be made on both sides of the river. He had himself a petition for a much greater privilege, signed by a large number of his constituents, and praying for the abolition of the duty on all kinds of breadstuffs (as we understood) in the District of Quebec.<sup>368</sup>

The amendment was then lost by a very large majority<sup>369</sup> only about 15 members voting for it.<sup>370</sup>

DR. DAVIGNON then moved<sup>371</sup> secondé par M. LEMIEUX<sup>372</sup> that the resolution be amended by striking out the words butter, cheese, fruits, animals, salt and fresh beef<sup>373</sup>.

((This)) was lost, only 6 voting for it.<sup>374</sup>

MR. LAURIN moved, another amendment to the effect that some of the articles be struck out of the resolution, (the names of which we did not catch)<sup>375</sup>.

((This)) was lost, only 5 or 6 voting for it.<sup>376</sup>

The original resolution was then put and carried, only 7 or 8 members voting against it.<sup>377</sup>

(64)

and Mr. Speaker resumed the Chair;

And Mr. Polette reported, That the Committee had come to a Resolution.

Ordered, That the Report be received on Tuesday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until Tuesday next.

Then, on motion of Mr. Laurin, seconded by Mr. Malloch,  
The House adjourned till Monday next.

APPENDIX: 2 FEBRUARY 1849,

((QUESTION AND ANSWER RE: FREE NAVIGATION SCHOOL AT QUEBEC.))<sup>378</sup>

DR. LATERRIERE ((asked a question.))<sup>379</sup>

MR. AT. GEN. LAFONTAINE stated, that the ministry had no objection to renew the instructions given by the House to one of its committees, in 1846, to enquire respecting the expedience of erecting a gratuitous school of navigation at Quebec; but it was not intended to introduce any bill for that purpose.<sup>380</sup>

((QUESTION AND ANSWER RE: LEASING TOLL ROADS.))<sup>381</sup>

MR. SMITH (( asked a question.))<sup>382</sup>

MR. INSP. GEN HINCKS said, it was not the intention of Government to revert to the plan of leasing lines of toll roads by tender; if Government retained possession of the roads, which they did not desire to do, they would dispose of the tolls by auction.<sup>383</sup>

((QUESTION AND ANSWER RE: SEPARATION OF PROFESSIONS OF ADVOCATE AND ATTORNEY IN UPPER CANADA.))<sup>384</sup>

COL. PRINCE ((asked a question.))<sup>385</sup>

MR. AT. GEN. BALDWIN said, that Government had no intention, during the present Session, to introduce any measure for separating the practice of the professions of advocate and attorney in C. W.<sup>386</sup>

((POSTPONED QUESTION RE: BRIDGING OF LAKE CHAMPLAIN.))<sup>387</sup>

MR. AT. GEN. LAFONTAINE ((requested Mr. Holmes to postpone a certain question.))<sup>388</sup>

MR. HOLMES ... postponed the question of which he had given notice, relative to the bridging of Lake Champlain.<sup>389</sup>



## FOOTNOTES: 2 FEBRUARY 1849.

1. The debate on this motion was reported by: LA MINERVE, 5 February 1849; PILOT, 5 February 1849, copied by BRITISH WHIG, 8 February 1849, and GLOBE, 10 February 1849, in identical accounts.
2. PILOT, 5 February 1849.
3. IBID.
4. IBID.
5. IBID.
6. HAMILTON SPECTATOR, 10 February 1849.
7. IBID.
8. The debate on this matter was reported by: LA MINERVE, 5 February 1849; PILOT, 5 February 1849, copied by BRITISH WHIG, 8 February 1849, GLOBE, 10 February 1849, and PACKET, 10 February 1849, in identical accounts. MORNING CHRONICLE, 7 February 1849, noted the debate.
9. PILOT, 5 February 1849.
10. The debate on this matter was reported by: MONTREAL GAZETTE, 5 February 1849; HAMILTON SPECTATOR, 10 February 1849; LA MINERVE, 5 February 1849; PILOT, 5 February 1849, copied by BRITISH WHIG, 8 February 1849, and reported several speeches in an abbreviated form, GLOBE, 10 February 1849, and PACKET, 10 February 1849, in identical accounts, except that in GLOBE, some speakers have been omitted entirely.
11. GLOBE, 10 February 1849.
12. MONTREAL GAZETTE, 5 February 1849.
13. GLOBE, 10 February 1849.
14. MONTREAL GAZETTE, 5 February 1849.
15. GLOBE, 10 February 1849.
16. MONTREAL GAZETTE, 5 February 1849.
17. IBID.
18. GLOBE, 10 February 1849.
19. MONTREAL GAZETTE, 5 February 1849.
20. GLOBE, 10 February 1849.
21. MONTREAL GAZETTE, 5 February 1849.
22. GLOBE, 10 February 1849.
23. MONTREAL GAZETTE, 5 February 1849.
24. GLOBE, 10 February 1849.
25. MONTREAL GAZETTE, 5 February 1849.
26. GLOBE, 10 February 1849.
27. MONTREAL GAZETTE, 5 February 1849.
28. GLOBE, 10 February 1849.
29. MONTREAL GAZETTE, 5 February 1849.
30. GLOBE, 10 February 1849.
31. MONTREAL GAZETTE, 5 February 1849.
32. GLOBE, 10 February 1849.
33. MONTREAL GAZETTE, 5 February 1849.
34. GLOBE, 10 February 1849.
35. MONTREAL GAZETTE, 5 February 1849.
36. GLOBE, 10 February 1849.
37. MONTREAL GAZETTE, 5 February 1849.
38. GLOBE, 10 February 1849. This was in fact the correct version.
39. MONTREAL GAZETTE, 5 February 1849.
40. GLOBE, 10 February 1849.
41. MONTREAL GAZETTE, 5 February 1849.
42. GLOBE, 10 February 1849.

43. MONTREAL GAZETTE, 5 February 1849.
44. GLOBE, 10 February 1849.
45. MONTREAL GAZETTE, 5 February 1849.
46. GLOBE, 10 February 1849.
47. MONTREAL GAZETTE, 5 February 1849.
48. HAMILTON SPECTATOR, 10 February 1849.
49. MONTREAL GAZETTE, 5 February 1849.
50. HAMILTON SPECTATOR, 10 February 1849.
51. MONTREAL GAZETTE, 5 February 1849.
52. GLOBE, 10 February 1849.
53. MONTREAL GAZETTE, 5 February 1849.
54. GLOBE, 10 February 1849.
55. MONTREAL GAZETTE, 5 February 1849.
56. GLOBE, 10 February 1849.
57. MONTREAL GAZETTE, 5 February 1849.
58. GLOBE, 10 February 1849.
59. MONTREAL GAZETTE, 5 February 1849.
60. GLOBE, 10 February 1849.
61. MONTREAL GAZETTE, 5 February 1849.
62. GLOBE, 10 February 1849.
63. MONTREAL GAZETTE, 5 February 1849.
64. GLOBE, 10 February 1849.
65. MONTREAL GAZETTE, 5 February 1849.
66. GLOBE, 10 February 1849.
67. MONTREAL GAZETTE, 5 February 1849.
68. GLOBE, 10 February 1849.
69. HAMILTON SPECTATOR, 10 February 1849.
70. GLOBE, 10 February 1849.
71. MONTREAL GAZETTE, 5 February 1849.
72. GLOBE, 10 February 1849.
73. HAMILTON SPECTATOR, 10 February 1849.
74. GLOBE, 10 February 1849.
75. MONTREAL GAZETTE, 5 February 1849.
76. GLOBE, 10 February 1849.
77. MONTREAL GAZETTE, 5 February 1849.
78. HAMILTON SPECTATOR, 10 February 1849.
79. GLOBE, 10 February 1849.
80. MONTREAL GAZETTE, 5 February 1849.
81. GLOBE, 10 February 1849.
82. MONTREAL GAZETTE, 5 February 1849.
83. GLOBE, 10 February 1849.
84. MONTREAL GAZETTE, 5 February 1849.
85. GLOBE, 10 February 1849.
86. HAMILTON SPECTATOR, 10 February 1849.
87. GLOBE, 10 February 1849.
88. HAMILTON SPECTATOR, 10 February 1849.
89. GLOBE, 10 February 1849.
90. MONTREAL GAZETTE, 5 February 1849.
91. GLOBE, 10 February 1849.
92. MONTREAL GAZETTE, 5 February 1849.
93. HAMILTON SPECTATOR, 10 February 1849.
94. MONTREAL GAZETTE, 5 February 1849.



95. GLOBE, 10 February 1849.
96. IBID.
97. MONTREAL GAZETTE, 5 February 1849.
98. HAMILTON SPECTATOR, 10 February 1849.
99. MONTREAL GAZETTE, 5 February 1849.
100. GLOBE, 10 February 1849.
101. MONTREAL GAZETTE, 5 February 1849.
102. GLOBE, 10 February 1849.
103. MONTREAL GAZETTE, 5 February 1849.
104. HAMILTON SPECTATOR, 10 February 1849.
105. GLOBE, 10 February 1849.
106. MONTREAL GAZETTE, 5 February 1849.
107. IBID.
108. HAMILTON SPECTATOR, 10 February 1849.
109. MONTREAL GAZETTE, 5 February 1849.
110. The debate on this matter was reported by: LA MINERVE, 5, 8 February 1849; L'AVENIR, 14 February 1849; MONTREAL GAZETTE, 5 February 1849, and HAMILTON SPECTATOR, 14 February 1849, which acknowledged BRITISH COLONIST and PATRIOT as its sources, in identical accounts; PRINCE EDWARD GAZETTE, 16 February 1849, STANSTEAD JOURNAL, 8 February 1849, and HAMILTON SPECTATOR, 10 February 1849, in identical accounts, except that STANSTEAD JOURNAL, and HAMILTON SPECTATOR's accounts were shorter; PILOT, 5 February 1849, GLOBE, 10, 14 February 1849, PACKET, 10, 17 February 1849, ST. CATHARINES JOURNAL, 15 February 1849, which abbreviated and omitted several speeches, BATHURST COURIER, 16 February 1849, NIAGARA MAIL, 28 February 1849, and PRINCE EDWARD GAZETTE, 23 February 1849, in identical accounts, except that the GLOBE's account of 10 February has one extra speech, the EXAMINER's account omitted some speeches and abbreviated others, the BATHURST COURIER did not report all the speeches, the NIAGARA MAIL only reported Merritt's speech, and PRINCE EDWARD GAZETTE reported only Stevenson's speech which was slightly different in its conclusion. LE JOURNAL DE QUEBEC, 6 February 1849, noted the debate. Commentaries appeared in MORNING CHRONICLE, 9 February 1849, and BROCKVILLE RECORDER, 8 February 1849, which acknowledged MONTREAL TRANSCRIPT as its source.
111. PRINCE EDWARD GAZETTE, 16 February 1849.
112. GLOBE, 10 February 1849.
113. MONTREAL GAZETTE, 5 February 1849.
114. GLOBE, 10 February 1849.
115. MONTREAL GAZETTE, 5 February 1849.
116. GLOBE, 10 February 1849.
117. MONTREAL GAZETTE, 5 February 1849.
118. GLOBE, 10 February 1849.
119. MONTREAL GAZETTE, 5 February 1849.
120. GLOBE, 10 February 1849.
121. MONTREAL GAZETTE, 5 February 1849.
122. GLOBE, 10 February 1849.
123. MONTREAL GAZETTE, 5 February 1849.
124. GLOBE, 10 February 1849.
125. MONTREAL GAZETTE, 5 February 1849.
126. GLOBE, 10 February 1849.
127. MONTREAL GAZETTE, 5 February 1849.
128. GLOBE, 10 February 1849.

129. MONTREAL GAZETTE, 5 February 1849.
130. GLOBE, 10 February 1849.
131. MONTREAL GAZETTE, 5 February 1849.
132. GLOBE, 10 February 1849.
133. MONTREAL GAZETTE, 5 February 1849.
134. GLOBE, 10 February 1849.
135. MONTREAL GAZETTE, 5 February 1849.
136. GLOBE, 10 February 1849.
137. IBID.
138. IBID.
139. MONTREAL GAZETTE, 5 February 1849.
140. GLOBE, 10 February 1849.
141. IBID.
142. MONTREAL GAZETTE, 5 February 1849.
143. GLOBE, 10 February 1849.
144. MONTREAL GAZETTE, 5 February 1849.
145. GLOBE, 10 February 1849.
146. MONTREAL GAZETTE, 5 February 1849.
147. GLOBE, 10 February 1849.
148. MONTREAL GAZETTE, 5 February 1849.
149. GLOBE, 10 February 1849.
150. IBID.
151. MONTREAL GAZETTE, 5 February 1849.
152. GLOBE, 10 February 1849.
153. MONTREAL GAZETTE, 10 February 1849.
154. GLOBE, 10 February 1849.
155. MONTREAL GAZETTE, 5 February 1849.
156. GLOBE, 10 February 1849.
157. MONTREAL GAZETTE, 5 February 1849.
158. GLOBE, 10 February 1849.
159. MONTREAL GAZETTE, 5 February 1849.
160. GLOBE, 10 February 1849.
161. MONTREAL GAZETTE, 5 February 1849.
162. GLOBE, 10 February 1849.
163. MONTREAL GAZETTE, 5 February 1849.
164. GLOBE, 10 February 1849.
165. MONTREAL GAZETTE, 5 February 1849.
166. GLOBE, 10 February 1849.
167. MONTREAL GAZETTE, 5 February 1849.
168. L'AVENIR, 14 February 1849.
169. MONTREAL GAZETTE, 5 February 1849.
170. GLOBE, 10 February 1849.
171. MONTREAL GAZETTE, 5 February 1849.
172. GLOBE, 10 February 1849.
173. MONTREAL GAZETTE, 5 February 1849.
174. IBID.
175. IBID.
176. GLOBE, 10 February 1849.
177. MONTREAL GAZETTE, 5 February 1849.
178. GLOBE, 10 February 1849.
179. MONTREAL GAZETTE, 5 February 1849.
180. GLOBE, 10 February 1849.
181. MONTREAL GAZETTE, 5 February 1849.



182. GLOBE, 10 February 1849.
183. MONTREAL GAZETTE, 5 February 1849.
184. GLOBE, 10 February 1849.
185. IBID.
186. IBID.
187. IBID.
188. MONTREAL GAZETTE, 5 February 1849.
189. GLOBE, 10 February 1849.
190. IBID., 14 February 1849.
191. MONTREAL GAZETTE, 5 February 1849.
192. GLOBE, 14 February 1489.
193. MONTREAL GAZETTE, 5 February 1849.
194. GLOBE, 14 February 1849.
195. MONTREAL GAZETTE, 5 February 1849.
196. GLOBE, 14 February 1849.
197. MONTREAL GAZETTE, 5 February 1849.
198. GLOBE, 14 February 1849.
199. MONTREAL GAZETTE, 5 February 1849.
200. GLOBE, 14 February 1849.
201. MONTREAL GAZETTE, 5 February 1849.
202. The MONTREAL GAZETTE, 5 February 1849, gave this figure as £629.
203. GLOBE, 14 February 1849.
204. MONTREAL GAZETTE, 5 February 1849.
205. GLOBE, 14 February 1849.
206. MONTREAL GAZETTE, 5 February 1849.
207. GLOBE, 14 February 1849.
208. MONTREAL GAZETTE, 5 February 1849.
209. GLOBE, 14 February 1849.
210. MONTREAL GAZETTE, 5 February 1849.
211. GLOBE, 14 February 1849.
212. MONTREAL GAZETTE, 5 February 1849.
213. IBID.
214. GLOBE, 14 February 1849.
215. MONTREAL GAZETTE, 5 February 1849.
216. GLOBE, 14 February 1849.
217. MONTREAL GAZETTE, 5 February 1849.
218. GLOBE, 14 February 1849.
219. MONTREAL GAZETTE, 5 February 1849.
220. GLOBE, 14 February 1849.
221. IBID.
222. MONTREAL GAZETTE, 5 February 1849.
223. GLOBE, 14 February 1849.
224. MONTREAL GAZETTE, 5 February 1849.
225. GLOBE, 14 February 1849.
226. IBID.
227. MONTREAL GAZETTE, 5 February 1849.
228. GLOBE, 14 February 1849.
229. MONTREAL GAZETTE, 5 February 1849.
230. GLOBE, 14 February 1849.
231. MONTREAL GAZETTE, 5 February 1849.
232. GLOBE, 14 February 1849.
233. MONTREAL GAZETTE, 5 February 1849.
234. GLOBE, 14 February 1849.
235. MONTREAL GAZETTE, 5 February 1849.

236. GLOBE, 14 February 1849.
237. MONTREAL GAZETTE, 5 February 1849.
238. GLOBE, 5 February 1849.
239. MONTREAL GAZETTE, 5 February 1849.
240. GLOBE, 14 February 1849.
241. MONTREAL GAZETTE, 5 February 1849.
242. GLOBE, 14 February 1849.
243. MONTREAL GAZETTE, 5 February 1849.
244. GLOBE, 14 February 1849.
245. MONTREAL GAZETTE, 5 February 1849.
246. GLOBE, 14 February 1849.
247. MONTREAL GAZETTE, 5 February 1849.
248. GLOBE, 14 February 1849.
249. MONTREAL GAZETTE, 5 February 1849.
250. GLOBE, 14 February 1849.
251. MONTREAL GAZETTE, 5 February 1849.
252. GLOBE, 14 February 1849.
253. MONTREAL GAZETTE, 5 February 1849.
254. GLOBE, 14 February 1849.
255. MONTREAL GAZETTE, 5 February 1849.
256. GLOBE, 14 February 1849.
257. MONTREAL GAZETTE, 5 February 1849.
258. GLOBE, 14 February 1849.
259. MONTREAL GAZETTE, 5 February 1849.
260. GLOBE, 14 February 1849.
261. MONTREAL GAZETTE, 5 February 1849.
262. GLOBE, 14 February 1849.
263. MONTREAL GAZETTE, 5 February 1849.
264. GLOBE, 14 February 1849.
265. MONTREAL GAZETTE, 5 February 1849.
266. GLOBE, 14 February 1849.
267. MONTREAL GAZETTE, 5 February 1849.
268. GLOBE, 14 February 1849.
269. MONTREAL GAZETTE, 5 February 1849.
270. GLOBE, 14 February 1849.
271. MONTREAL GAZETTE, 5 February 1849.
272. GLOBE, 14 February 1849.
273. MONTREAL GAZETTE, 5 February 1849.
274. GLOBE, 14 February 1849.
275. MONTREAL GAZETTE, 5 February 1849.
276. GLOBE, 14 February 1849.
277. MONTREAL GAZETTE, February 1849.
278. GLOBE, 14 February 1849.
279. MONTREAL GAZETTE, 5 February 1849.
280. GLOBE, 14 February 1849.
281. MONTREAL GAZETTE, 5 February 1849.
282. GLOBE, 14 February 1849.
283. MONTREAL GAZETTE, 5 February 1849.
284. GLOBE, 14 February 1849.
285. MONTREAL GAZETTE, 5 February 1849.
286. GLOBE, 14 February 1849.
287. MONTREAL GAZETTE, 5 February 1849.
288. GLOBE, 14 February 1849.
289. MONTREAL GAZETTE, 5 February 1849.



290. GLOBE, 14 February 1849.
291. IBID.
292. MONTREAL GAZETTE, 5 February 1849.
293. GLOBE, 14 February 1849.
294. MONTREAL GAZETTE, 5 February 1849.
295. GLOBE, 14 February 1849.
296. MONTREAL GAZETTE, 5 February 1849.
297. GLOBE, 14 February 1849.
298. MONTREAL GAZETTE, 5 February 1849.
299. GLOBE, 14 February 1849.
300. MONTREAL GAZETTE, 5 February 1849.
301. GLOBE, 14 February 1849.
302. MONTREAL GAZETTE, 5 February 1849.
303. GLOBE, 14 February 1849.
304. MONTREAL GAZETTE, 5 February 1849.
305. GLOBE, 14 February 1849.
306. MONTREAL GAZETTE, 5 February 1849.
307. GLOBE, 14 February 1849.
308. MONTREAL GAZETTE, 5 February 1849.
309. GLOBE, 14 February 1849.
310. MONTREAL GAZETTE, 5 February 1849.
311. GLOBE, 14 February 1849.
312. MONTREAL GAZETTE 5 February 1849.
313. GLOBE, 14 February 1849.
314. MONTREAL GAZETTE, 5 February 1849.
315. GLOBE, 14 February 1849.
316. IBID.
317. IBID.
318. IBID.
319. MONTREAL GAZETTE, 5 February 1849.
320. GLOBE, 14 February 1849.
321. MONTREAL GAZETTE, 5 February 1849.
322. GLOBE, 14 February 1849.
323. MONTREAL GAZETTE, 5 February 1849.
324. GLOBE, 14 February 1849.
325. IBID.
326. IBID.
327. IBID.
328. MONTREAL GAZETTE, 5 February 1849.
329. GLOBE, 14 February 1849.
330. MONTREAL GAZETTE, 5 February 1849.
331. GLOBE, 14 February 1849.
332. MONTREAL GAZETTE, 5 February 1849.
333. GLOBE, 14 February 1849.
334. MONTREAL GAZETTE, 5 February 1849.
335. GLOBE, 14 February 1849.
336. MONTREAL GAZETTE, 5 February 1849.
337. GLOBE, 14 February 1849.
338. MONTREAL GAZETTE, 5 February 1849.
339. GLOBE, 14 February 1849.
340. MONTREAL GAZETTE, 5 February 1849.
341. IBID.
342. GLOBE, 14 February 1849.

343. MONTREAL GAZETTE, 5 February 1849.
344. GLOBE, 14 February 1849.
345. MONTREAL GAZETTE, 5 February 1849.
346. GLOBE, 14 February 1849.
347. MONTREAL GAZETTE, 5 February 1849.
348. The MONTREAL GAZETTE, 5 February 1849, refers to them as "the most influential" rather than "intelligent."
349. GLOBE, 14 February 1849.
350. MONTREAL GAZETTE, 5 February 1849.
351. GLOBE, 14 February 1849.
352. MONTREAL GAZETTE, 5 February 1849.
353. IBID.
354. IBID.
355. IBID.
356. IBID.
357. GLOBE, 14 February 1849.
358. IBID.
359. IBID.
360. IBID.
361. MONTREAL GAZETTE, 5 February 1849.
362. GLOBE, 14 February 1849.
363. IBID.
364. IBID.
365. IBID.
366. IBID.
367. IBID.
368. IBID.
369. IBID.
370. MONTREAL GAZETTE, 5 February 1849.
371. IBID.
372. L'AVENIR, 14 February 1849.
373. MONTREAL GAZETTE, 5 February 1849.
374. IBID.
375. IBID.
376. IBID.
377. IBID.
378. The debate on this matter was reported by: LA MINERVE, 5 February 1849; PILOT, 5 February 1849, MORNING CHRONICLE, 5 February 1849, BRITISH COLONIST, 6 February 1849, HAMILTON SPECTATOR, 7 February 1849, which acknowledged BRITISH COLONIST and PATRIOT as its sources, BRITISH WHIG, 5, and 8 February 1849, which copied MONTREAL PILOT and PACKET, 10 February 1849, in identical accounts.
379. PILOT, 5 February 1849.
380. IBID.
381. The debate on this matter was reported by: PILOT, 5 February 1849, MORNING CHRONICLE, 5 February 1849, BRITISH COLONIST, 6 February 1849, HAMILTON SPECTATOR, 7 February 1849, which acknowledged BRITISH COLONIST and PATRIOT as its sources, BRITISH WHIG, 5 and 8 February 1849, which copied PILOT, PACKET, 10 February 1849, and ST. CATHARINES JOURNAL, 8 February 1849, in identical accounts.
382. PILOT, 5 February 1849.
383. IBID.



- 384. The debate on this matter was reported by: LA MINERVE, 5 February 1849; PILOT, 5 February 1849, copied by BRITISH WHIG, 8 February 1849, GLOBE, 10 February 1849, and PACKET, 17 February 1849, in identical accounts.
- 385. GLOBE, 10 February 1849.
- 386. IBID.
- 387. The debate on this matter was reported by: PILOT, 5 February 1849, MORNING CHRONICLE, 5 February 1849, BRITISH COLONIST, 6 February 1849, HAMILTON SPECTATOR, 7 February 1849, which acknowledged BRITISH COLONIST and PATRIOT as its sources, BRITISH WHIG, 5 and 8 February 1849, which copied PILOT, and PACKET, 10 February 1849, in identical accounts.
- 388. PILOT, 5 February 1849.
- 389. IBID.

MONDAY, 5 FEBRUARY 1849.

(65)

Waterloo  
Election.

THE hour appointed for taking into consideration the Petition of Adam J. Fergusson, Esquire, and others, Electors of the County of Waterloo, complaining of the undue Election and Return of James Webster, Esquire, as a Member to represent the said County of Waterloo in the present Parliament, being come;

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Serjeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly.

And being returned,--the House was called; and more than thirty Members being present,

Mr. Speaker called upon the Petitioners, their counsel or agent, to appear at the bar.

Adam J. Fergusson, Esquire, one of the Petitioners, appeared at the bar, in behalf of himself and the other Petitioners.

Mr. Fergusson presented a List of Witnesses in behalf of himself and the other Petitioners; which was read by the Clerk, as followeth:--

The Honorable James Hervey Price, Montreal.

Henry John Jones, "

Thomas Hector, "

William Spragge, "

Félix Fortier, "

Richard A. Tucker, "

William Kent, "

George Henry Lane, "

Mr. Speaker then directed the Serjeant at Arms to lock the doors.

And the doors being locked accordingly; and the Order of the day for taking the said Petition into consideration being read, the attestation of Mr. Speaker was taken from off the box in which, agreeably to the Statute, the names of all the Members of the House were sealed up; and the same was read by the Clerk, as followeth:--

I attest that this box was, on Saturday, the third day of February, 1848, made up in my presence, in the manner directed by an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, intituled, 'An Act to regulate the trial of Controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

A. N. Morin,  
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as followeth:--

I attest that I did, on Saturday, the third day of February 1849, in presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as



directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, intituled, 'An Act to regulate the trial of Controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. Lindsay,  
Clerk Legislative Assembly.

The names of all the Members were then taken out of the box, and put into three other boxes.

The drawing of the names was then proceeded in, in the usual manner; and the following names were drawn, to which no objection was taken:--

1 <u>Laurin,</u>	13 <u>Flint,</u>
2 <u>Merritt,</u>	14 <u>Morrison,</u>
3 <u>Sherwood</u> of TORONTO,	15 <u>Blake,</u>
4 <u>Cartier,</u>	16 <u>Wetenhall,</u>
5 <u>Marquis,</u>	17 <u>Watts,</u>
6 <u>Hincks,</u>	18 <u>Stevenson,</u>
7 <u>LaFontaine,</u>	19 <u>Sauvageau,</u>
8 <u>Chabot,</u>	20 <u>Price,</u>
9 <u>Baldwin,</u>	21 <u>Nelson,</u>
10 <u>M'Farland,</u>	22 <u>Robinson,</u>
11 <u>Cameron</u> of KENT,	23 <u>Beaubien.</u>
12 <u>Smith</u> of DURHAM,	

Eighteen other names were drawn and set aside, or excused, as follow:--  
Two who were excused.

Sixteen who were absent.

Mr. Notman was chosen Nominee for the Petitioners.

Mr. Wilson was chosen Nominee for the sitting Member.

The doors were then unlocked.

At thirty-five minutes past four, P. M., the parties, with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

The forty-three names remaining in the boxes undrawn were read by the Clerk.

At five minutes to five o'clock, P. M., the Clerk of the Select Committee delivered to the Clerk of this House, a List containing the names of the nine Members unstruck, composing the Select Committee; which is as followeth:--

1 <u>LaFontaine</u>	6 <u>Watts,</u>
2 <u>M'Farland,</u>	7 <u>Sauvageau,</u>
3 <u>Cameron</u> of KENT,	8 <u>Price,</u>
4 <u>Morrison,</u>	9 <u>Nelson.</u>
5 <u>Blake,</u>	

Nominee for the Petitioners, Mr. Notman.

Nominee for the sitting Member, Mr. Wilson.

Alfred Patrick,  
Clerk to Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.

On motion of Mr. Wilson, seconded by Mr. Notman,

Ordered, That the Select Committee appointed to try the merits of the Petition

of Adam J. Fergusson, Esquire, and others, Electors of the County of Waterloo, complaining of the undue Election and Return of James Webster, Esquire, as a Member to represent the said County of Waterloo in the present Parliament, do meet forthwith in Committee Room, No. 4.

Message from  
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Joint Stock  
Companies  
Bill.

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to provide for the formation of incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes," to which they desire the concurrence of this House.

And then he withdrew.

Joint Stock  
Companies  
Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to provide for the formation of incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes," was read

for the first time.

MR. H. SHERWOOD<sup>1</sup> (Toronto) moved that the business before the House when the Speaker left the Chair should be the first taken into consideration on the following morning. He said, that unless some Resolution of the kind existed, it would be necessary to make a motion to the effect every evening.<sup>2</sup>

MR. AT. GEN. BALDWIN said, that he had no objection, provided that it did not interfere with Government Orders of the Day.<sup>3</sup>

MR. H. SHERWOOD said, that was, of course, understood.<sup>4</sup>

(66)

On motion of the Honorable Mr. Sherwood, seconded by Mr. Smith, of Frontenac,

Resolution re-  
specting the  
sitting and  
business of  
the House.

Resolved, That when Mr. Speaker shall leave the Chair, at six o'clock, P. M., without a Question being put to that effect, the matter then under the consideration of the House shall be the first Order for the next sitting day; and all Orders undisposed of shall also stand postponed until the next sitting, without a Motion being required.

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Sherwood,--The Petition of the City of Toronto and Lake Huron Railroad Company.

By Mr. Prince,--The Petition of the Municipal Council of the Western District (Township Municipalities); The Petition of the Municipal Council of the Western District (Assessment Rolls); and the Petition of the Municipal Council of the Western District (new District).

By Mr. Malloch,--The Petition of Simon Fraser, Esquire, and others, of Bytown.

By the Honorable Mr. Attorney General Baldwin,--The Petition of Edward Wright and others, of the City of Toronto; and the Petition of the Municipal Council of the Home District (division of District); the Petition of Joseph



Gould and others, of the Township of Uxbridge; and the Petition of James Anond and others, of the Township of Scott.

By Mr. Sauvageau,--The Petition of Etienne Langlois and others.

By Mr. Fortier,--The Petition of the Reverend P. J. Bedard and others, Missionaries in the Townships.

By Mr. Notman,--The Petition of W. B. Wrong and others, of the Districts of London, Talbot, and Brock.

By Mr. Richards,--The Petition of William Simpson and Abel R. Ward, of the Village of Smith's Falls.

By Mr. Burritt,--The Petition of John L. Read and others; and the Petition of Thomas Kelly and others, the Roman Catholic Clergy and others, of the Parish of Prescott.

By the Honorable Mr. Hincks,--The Petition of Jeremiah Cowan and others, of the Township of Blenheim, District of Brock.

By Mr. Méthot,--The Petition of H. LeMesurier, Esquire, Vice-President, on behalf of the Board of Trade of Quebec (Railroads); and the Petition of H. LeMesurier, Esquire, Vice-President, on behalf of the Board of Trade of Quebec (Bankrupt Law).

By Mr. Chabot,--The Petition of N. Hardy and others, of the County of Portneuf; and the Petition of P. Forgues and others, of the Parish of St. Michel.

By Mr. Chauveau,--The Petition of James Evans and others, the Protestant Teachers of the City of Quebec.

By Mr. Duchesnay,--The Petition of the Municipal Council of the County of Portneuf.

By the Honorable Mr. Laterrière,--The Petition of the Reverend B. Honorat and others, of Saguenay.

By Mr. M'Connell,--The Petition of W. G. Cook, and others, Trustees of the Charleston Academy.

By Mr. Flint,--The Petition of William Downing, Esquire, and others, of the Township of Hungerford, District of Victoria.

By Mr. Jobin,--The Petition of J. B. Branchaud, and others, of Montreal.

Erection of Townships Bill.

An engrossed Bill to confirm the Erection of certain Townships, and for other purposes relative to the Erection of Townships, was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General LaFontaine do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Abraham Pratt and others, of the Township of Marlborough, District of Dalhousie; praying that the old Courts of Requests may be revived until a more extensive reformation can be effected in the department of Law.

Of the Very Reverend John Macdonald, Vicar General of the Diocese of Kingston, and others, the Clergy, Magistrates, and others, of the Eastern District; praying for an alteration in the day for the muster of the Militia in Upper Canada.

Of the Board of the Royal Institution for the Advancement of Learning, in their capacity of Visitors of the University of McGill College, and of the Governors of the said University; praying for a grant of money in aid

of the said University, and for the promotion of certain improvements therein.

Of the Honorable J. R. Rolland, Chief Justice of the District of Montreal, and others, of the City of Montreal; praying to be incorporated as the Montreal Prison Discipline Association.

Of Andrew Smith and others, of the District of Brock; praying aid to construct a main line of Railway from Quebec to Montreal, thence to Kingston, Toronto, and Hamilton, and therefrom to Port Sarnia and Windsor at the western limit of the Province.

Of Antoine Talbot, of the Parish of Berthier, County of Bellechasse; praying for the protection of those engaged in the Fisheries off the coast of Labrador from violence and robbery.

Of W. H. Fowler, Esquire, and others, of Durham and other Townships in the County of Drummond, and of Melbourne and other Townships in the County of Sherbrooke; praying that the said Townships may be formed into a new County, to be called the County of Richmond, with the Village of Richmond for the County Town.

Of C. P. Reid and others, of the Township of Compton; praying a grant of money to establish an Academy in the centre Village of the said Township.

Of the Reverend C. LaRocque and others, of St. Jean Dorchester, County of Chambly; praying a grant of money for the erection of an Academy in the said Village.

Of the Reverend J. C. Léonard, of the City of Montreal; praying for the passing of an Act to incorporate the "Communauté des Révérends Pères Oblats de l'Immaculée Conception de Marie."

Of P. M. Partridge and others, Accountants, Clerks, and Warehousemen of the City of Quebec; praying that in any measure brought before the House for the alteration of the Bankrupt Law, a certain provision may be made for the protection of their interests.

Of Henry Bechtel and others, of Dumfries and other Townships, in the Districts of Gore, Wellington, and Brock; praying that certain Townships therein mentioned may be set apart and erected into a new District to be called the District of Bruce, and to be also the County of Bruce, with Galt for the District Town.

Of A. Buchanan and others, of Dumfries and other Townships, of the District of Gore and Wellington; praying for the passing of an Act to provide for the extension and improvement of the Dundas and Waterloo Road.

Of James Motz, Esquire, of the City of Quebec, Advocate; praying for the passing of an Act to secure him in the enjoyment of his Bridge over the River Etchemin, and to indemnify him for losses sustained by the misconstruction of the Act granting the privilege of erecting the said Bridge.

(67)

Of John M. Ross and others, of the Township of Bromley and the surrounding country; praying that the third Chûte of the Bonne Chère River, in the said Township, District of Bathurst, be made the site of the District Town of the proposed new District.

Of the Bank of Upper Canada, of the President, Directors and Company of the Commercial Bank, and of the Gore Bank; praying for the repeal of the Act 4 and 5 Vic. c. 29, imposing a duty on Bank Notes in circulation.

Of Pierre Cartier and others, of St. François du Lac St. Pierre; praying that certain proceedings for the completion of a Church in the



said Parish may be legalized.

Of Thomas Cantwell and others, of the Parish of St. Jean Chrysostôme, County of Beauharnois; praying that the Act 8 Vic. c. 40, for establishing Parish and Township Municipalities be revived, and for certain amendments to the Common School Act.

Of James Duncan and others, of the Seigniorship of Beauharnois; praying that certain facilities be provided for obtaining deeds of concession and commutation of lands in the said Seigniorship.

Of B. Maurault and others, of St. Jean des Chaillons and other Parishes; praying aid to improve the Road from the mill of the Parish of Gentilly to the Parish of St. Jean des Chaillons.

Of Jeffery Hale, Esquire, and others, the President and Members of the Quebec British and Canadian School Society; praying the usual aid for the said Society.

Of the Mayor and Councillors of the City of Quebec; praying amendments to the Ordinances incorporating the said City.

Of James Cuthbertson and others, Shareholders in the Sault Sainte Marie Mining Company; praying an Act of Incorporation.

Of W. Lapenotière, of Woodstock, in the District of Brock; praying that Attornies at Law be allowed to practise as Advocates in the District Courts, or otherwise that the profession may be divided into Barristers and Attornies.

Of Donald M'Leod and others, of South Yarmouth; praying that measures be adopted for the repeal of the Imperial Act relating to the Clergy Reserves, and for the abolition of the Rectories, and that the funds thereof be appropriated to purposes of education.

Of the Bank of Montreal; praying for an extension of the time granted them for the increase of their Capital Stock.

Of the Montreal and Lachine Railroad Company; praying for the passing of an Act to authorize them to continue and extend the said Railroad, and for the incorporation of the St. Lawrence and Ottawa Grand Junction Railroad Company.

Of M. Asselstine, Chairman, and P. S. Timmerman, on behalf of a meeting of the inhabitants of Ernestown, Midland District; praying that the power of granting Licenses be invested in the Municipal Councils of the several Districts.

Of O. W. Stevens, of the Town of Simoce, tailor; praying the payment of his claim for clothing furnished the Militia during the late Rebellion.

Of Oliver Grace, of the town of Lewiston in the State of New York, one of the United States of America; praying for the passing of an Act to remove the incapacities and disabilities under which he now labors, by attainder for High Treason in the year 1819.

Of Charles James Stuart, of the City of Quebec, Esquire, praying for the passing of an Act to authorize him to be admitted to practise as a Barrister, Advocate, Solicitor, Attorney and Proctor in Lower Canada, at the discretion of the Judges before whom he may be examined according to law.

Of the Provincial Agricultural Association of Canada West; praying for aid.

Of the Provincial Agricultural Association of Canada West; praying for the adoption of measures to obtain the free admission of Canadian Produce and Live Stock into the Ports of the United States.

Public Works.

The Honorable Mr. Cameron, of Kent, presented, pursuant to the directions of several Acts of the Provincial Parliament,--Annual Report of the Commissioners of Public Works, for 1848.

Appendix (B.B.)

For the said Report, see Appendix (B.B.)

Commutations of Tenure.

The Honorable Mr. Price presented, pursuant to the directions of the Provincial Act 10 & 11 Vic. c. 111,--Returns of Commutations effected within the Censives of Quebec,--of the late Order of Jesuits in the Districts of Quebec, Montreal, and Three Rivers,--and of the Seigniorship of Lauzon, from the 1st April to the 31st December, 1848.

Appendix (C.C.)

For the said Returns, see Appendix (C.C.)

Petition of A. Talbot.

Resolved, That the Petition of Antoine Talbot, of the Parish of Berthier, County of Bellechasse, be referred to a Select Committee composed of the Honorable Mr. Laterrière, Mr. Christie, Mr. Chabot, Mr. Duchesnay, Mr. Laurin, Mr. Taché, and Mr. Chauveau, to examine the contents thereof, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.

Fisheries.

Ordered, That it be an Instruction to the said Committee, to enquire into the abuses and acts of violence committed at divers places on the coast of Labrador by foreign fishermen who came to fish, or to dry their fish, upon the said coast, and also, into the damages which may result to this Province in carrying on the fisheries from the want of coast-guards to protect Her Majesty's subjects who have fishing establishments there.

And at six o'clock, P. M., pursuant to Order, the House adjourned by Mr. Speaker, without a Question first put, till to-morrow.



FOOTNOTES: 5 FEBRUARY 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 7 February 1849; PILOT, 7 February 1849, BRITISH WHIG, 9 February 1849, which acknowledged its source as MONTREAL HERALD, BRITISH COLONIST, 6 February 1849, MORNING CHRONICLE, 7 February 1849, HAMILTON SPECTATOR, 7 February 1849, and BROCKVILLE RECORDER, 8 February 1849, in identical accounts.
2. MONTREAL GAZETTE, 7 February 1849.
3. IBID.
4. IBID.

TUESDAY, 6 FEBRUARY 1849.

(67)

Bank  
Statements.

MR. Speaker laid before the House, Statements of the Affairs of the Quebec Bank, City Bank, Bank of Upper Canada, and Montreal Provident and Savings Bank, received in conformity to an Order of this House of the twenty-fifth ultimo.

Appendix (P.)

For the said Statements, see Appendix (P.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of M. A. Primeau and A. A. Trottier, of Ste. Martine, County of Beauharnois.

By Mr. Wilson,--The Petition of Henry S. Larned, formerly of Chatham in the Western District, now of the City of Buffalo in the United States.

Of Mr. Prince,--The Petition of the Reverend William Ritchie and others, of the County of Essex, and others.

By Mr. Malloch,--The Petition of William Stewart and others, of the Township of Nepean, District of Dalhousie.

By Mr. Sherwood, of Brockville,--The Petition of James Vollar, a Messenger of the Legislative Assembly.

(68)

By Mr. Notman,--The Petition of Messieurs Hope, Birrell and Company, and others, of the District of London; the Petition of H. G. Hobbin and others, of the Town of Dundas; and the Petition of George Southwick and others, stockholders in the Niagara and Detroit Rivers Railroad.

By Mr. Fournier,--The Petition of O. E. Casgrain, Esquire, and others, of the lower part of the County of L'Islet; and the Petition of the Reverend F. X. Delage and others, of the Parish of L'Islet.

By Mr. M'Farland,--The Petition of John Clark, President, on behalf of the Niagara District Agricultural Society.

By Mr. Flint,--The Petition of James Whiteford, Esquire, and others, Members of the Board of Police of the Town of Belleville.

By Mr. Holmes,--The Petition of B. H. LeMoine and A. M. Delisle, Esquires.

By the Honorable Mr. Price,--The Petition of John Grubb, of the Township of Etobicoke, Esquire, President of the Weston Road Company.

By Mr. Morrison,--The Petition of Robert E. Burns, Esquire, and others; and the Petition of Benjamin Bowerman and others.

By Mr. Dixon,--The Petition of the Municipal Council of the District of Niagara (Surveyors of Land); and the Petition of the Municipal Council of the District of Niagara (Burial Grounds).

By Mr. Solicitor General Blake,--The Petition of John B. Warren and others, of Whitby and other Townships, in the Home District; and the Petition of Henry Cole and others, of Seugog Island.

By Sir Allan N. MacNab,--The Petition of the Great Western Railroad Company (Charter); the Petition of the Great Western Railroad Company (Aid); and the Petition of the Great Western Railroad Company (Niagara and Detroit Rivers Railroad Company).



Petition of J.  
H. Aussem and  
others, referred.

Resolved,--That the Petition of John H. Aussem, Esquire, and others, of the Province of Canada, be referred to a Select Committee composed of the Honorable Mr. Macdonald, Mr. Egan, Mr. Flint,

Mr. Brooks, and Mr. M'Connell, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Leave of  
Absence.

Ordered, That Mr. Johnson have leave to absent himself from this House during the remainder of this week, on urgent private business.

Fourth Report  
of Committee  
on Standing  
Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of John S. M'Collom and others, of the Township of Nelson, praying that a certain Road allowance may be transferred to Mr. M'Collom in exchange for a piece of land granted by him for a public Road. They find that notice of the application was published in a local Paper in May and June last, but no evidence has been continued until the presentation of the Petition, as required by the 66th Rule; inasmuch, however, as the Petition appears to be signed by most of the neighbouring proprietors, and the new line of Road has been for some time used by the inhabitants, Your Committee would respectfully suggest that the notice be deemed sufficient.

The Petition of the Reverend Alexander Mathieson, and others, Your Committee do not consider to be of such a nature as to require a notice of the application.

Second Report  
of Committee  
on Contingen-  
cies.

Mr. DeWitt, from the Standing Committee on Contingencies, presented the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee, in pursuance of the duty assigned to them, have enquired into the authority by which the liabilities against Your Honorable House have been incurred, and into the performance of the services charged for; and have examined the Accounts and Vouchers of the Clerk, and found the whole correct and satisfactory.

Your Committee also find that the Books for the Library, and other articles, have been received, and that the several parties have been paid their respective demands.

Your Committee annex a Statement of the principal heads of Expenditure embraced within the Account Current of the Clerk of Your Honorable House.

Your Committee would beg leave to submit, That an Address be presented to His Excellency the Governor General, praying that His Excellency would issue his Warrant in favor of the Clerk for an advance of Five thousand pounds, on account of the Contingencies of Your Honorable House.

Payments from the Clerk's Accounts of Expenditure from the 1st June, 1847, to the 31st December, 1848, including two Sessions and the great part of three Recesses:--

Salaries and Payments to Officers and			
Servants of the House.....	£10,371	9	2
Library:			
For Books, Maps,			
&c.....	£2,571	18	0½
Fitting up with			
Glass Book Case			
&c.....	116	8	4½
	<hr/>		
	2,688	6	5
Printing: Sessional Journals			
and Appendices, and Binding.....	9,721	4	8
Postages:			
Greater part of			
Recess, 1846.....	£271	19	6
Session of 1847.....	1,045	7	5
Recess of 1847.....	211	14	10
Session of 1848.....	597	6	11
Recess of 1848.....	197	19	9
	<hr/>		
	2,324	8	5
Gas Light, Water, and Fuel.....	512	18	6
Her Majesty's Portrait.....	543	3	4
Stationery.....	735	12	0
Carpenters' Work in Offices, &c.....	413	18	8
Expenses of Committees.....	223	4	0
Miscellaneous Expenses, including			
Newspapers and Publishing, put-			
ting up Furnaces, Stoves, &c.....	1,538	19	0
	<hr/>		
	£29,073	4	2

Petition of L. Legendre and others.      Ordered, That Mr. Chabot and Mr. Lemieux be added to the Select Committee to which was referred the Petition of Louis Legendre, Esquire, and others, of the Parish of St. Louis de Lotbinière.

On motion of Mr. Richards, seconded by Mr. Smith, of Durham,

Joint Stock Companies Bill.      Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to provide for the formation of incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes," be read a second time, on Thursday, the fifteenth instant.

City of Kingston Incorporation Bill.      Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to amend the Act to incorporate the Town of Kingston as a City, and to enlarge the limits of the said City.

(69)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Mines in the County of Saguenay.      The Honorable Mr. Laterrière moved, seconded by Mr. Gugy, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to order that a



competent person be sent to Baie St. Paul, in the County of Saguenay, to make an examination upon the Land of one Julien Bouchard with the view of ascertaining, by means of instruments for boring the soil to a sufficient depth (as is practised in England and elsewhere,) whether the Coal taken from a Spring on the said Land may be found in sufficient quantity, and in beds of sufficient thickness, to justify the expense of opening the Mine,--also, to examine a Mine of Iron which has been long known to exist in that neighbourhood, which said Mines might both be worked with advantage, and would be of immense importance to this Province.<sup>1</sup>

MR. AT. GEN. BALDWIN objected to pledge to bore for the coal; but would send the Provincial Geologist to examine the spot, with a view to inquiry. Until that preliminary survey, it would be injudicious to pledge the Government to any expense in boring.<sup>2</sup> ((He)) hoped that Dr. Laterrière would withdraw his motion<sup>3</sup>.

DR. LATERRIERE said, that Mr. Logan had prejudged the question before the House, and if there were only that gentlemen (sic), it would be some time before any action were taken.<sup>4</sup>

MR. AT. GEN. BALDWIN observed, that the character of Mr. Logan stood entirely too high to suppose that he would not change an opinion he had given if he found reason to do so; he is a man of scientific attainments and possesses a fame that is not merely Provincial. If really coal mines do exist in the country, it is too important to be overlooked and he hoped that the hon. Member would leave the matter in the hands of the Government, and not persist in his motion.<sup>5</sup>

DR. LATERRIERE persisted<sup>6</sup>.

(69)

The House divided:

Yeas, 13.

Nays, 32.

So it passed in the Negative.

Canada Life  
Assurance  
Company Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate the Canada Life Assurance Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Public  
Accounts for  
1847.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--The Public Accounts for the Province of Canada, for the year 1847.

Appendix (A.)

For the said Accounts and Statements, see Appendix (A.)

Weights and  
Measures.

Mr. Chabot, from the Committee to take into consideration the propriety of amending the several Laws in force in Upper Canada with regard to the inspection of Weights and Measures, reported several Resolutions; which were read, as follow:--

1. Resolved, That it is expedient to amend the Act of Legislature of Upper Canada, 4 Geo. 4 c. 16, intituled, "An Act to repeal an Act passed in the thirty-second year of His Majesty's reign, intituled, "An Act to establish the Winchester Measure, and a standard for other Weights and Measures, throughout this Province," and to appropriate a sum of money for the purpose of obtaining a standard for Weights and Measures in this Province," by repealing the 4th and 5th Sections thereof; and also, to amend the Act of the said Legislature, 3 Vic. c. 17, intituled, "An Act to alter and amend an Act passed in the thirty-second year of the reign of his late Majesty King George the Third, intituled, "An Act to establish the Winchester Measure throughout this Province," by repealing the 1st and 2nd Sections thereof, and by reviving the 7th Section of the said Act 4 Geo. 4, c. 16.
2. Resolved, That it is expedient that the Inspectors of Licenses in Upper Canada be also the Inspectors of Weights and Measures in their respective Districts and divisions of Districts; that they shall attend accordingly at certain places and times to be appointed by the Justices of the Peace in Quarter Sessions, for the purpose of examining all Weights and Measures offered for inspection, and of stamping such as shall be found correct; that they shall have full power to visit all shops, stores, and other places where Weights and Measures are used, and to examine the Weights and Measures there, at such times as they shall think proper; that the said Inspectors shall have the custody of the standard Weights and Measures, and that proper penalties be provided against persons using false Weights and Measures.

The said Resolutions being read a second time, was agreed to.

Weights and Measures Bill.

Ordered, That Mr. Smith, of Durham, have leave to bring in a Bill to amend the several Laws therein mentioned relative to the appointment and duties

of Inspectors of Weights and Measures in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the nineteenth instant.

Productions of the United States.

Mr. Polette, from the Committee to enquire into the expediency of providing for the admission of certain Articles of the growth or production of the United States into Canada, upon the like Articles the production of Canada being admitted into the markets of the United States on the same terms, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient to provide for the free admission of Grain and Breadstuffs of all kinds, Vegetables, Fruits, Seeds, Animals, Hides, Wool, Butter, Cheese, Tallow, Horns, Salted and Fresh Meats, Ores of all kinds of metals, Ashes, Timber, Staves, Wood and Lumber of all kinds, of the growth or production of the United States of America into Canada, whenever similar Articles the growth or production of Canada shall be admitted without Duty into the said United States.

The said resolution being read a second time,<sup>7</sup>



MR. MERRITT moved that the house receive the report of the committee of the whole on the exchange of certain articles with the United States, on reciprocal terms.<sup>8</sup>

(69)

*Mr. Laurin moved in amendment thereunto, seconded by Mr. Davignon, That the words "Animals, Butter, and Fresh," be left out.*

COL. GUGY would press the amendment previous to the passing of the measure of Congress. It bound us hand and foot, for centuries to come, to whatever measures the United States might adopt. If Congress asked us first the case would then be different. If the hon. President of the Council desired to make explanation he would sit down to afford him opportunity. He was doubtful if we should derive all the benefits from the measure that had been so glowingly described by the hon. President of the Council, and entertained doubts if it would be beneficial in any manner. It did appear to him to be a mere commercial question, and there are in the world better things than money. He would like to bind both sections of Canada together, the roughest and hardest stones become polished by attrition. Even though we should lose something commercial, we should still gain something as a people. He objected to bringing the people of Upper Canada in constant contact with the people of the United States, and to that inter-marriage of interest consequent upon it. He agreed with what had fallen from the hon. member for Quebec. The name and style of the act ought to be a bill for the better connexion of the people of Canada West with the people of the United States. The present measure might add to the wealth of some. If a measure such as that be adopted we should have built our expensive line of Canals in vain. They can't be beneficial but in one mode by drawing all freight from Upper Canada. The benefits that may result from that measure would be all engrossed by the people of the United States, they would only take action in so far as it will be of benefit to them; and had the legislature of the republic taken action on the resolution it would have been different.<sup>9</sup>

MR. ARMSTRONG<sup>10</sup>, as a large farmer, and the representative of a very large agriculture county, considered this measure the most valuable which could be introduced. In his Parish there were 100,000 minots of oats ready for shipment, and in the whole county not less than 300,000 minots, and an equal quantity of buckwheat. Now that could not be shipped without paying 7½d. per minot, on shipment from the Port of St. John's. All he feared was that the United States would not pass the bill.<sup>11</sup> Cheese and butter from Upper Canada will come down cheaper than we could manufacture. Certain members of this house have said that we could only raise minor grains. He would ask what has constituted the trade of the District of Montreal but these minor grains. Every attempt to sow wheat had failed completely, and farmers instead have sowed these minor grains and got rich by them. Those gentlemen who represent farming constituencies do not understand the question, or they would not oppose it. (Laughter.) There are many other articles we might export; in no place are there cheaper horses than in the District of Quebec; and not only to the United States, but also sheep to the West India Islands. If any fear competition, he would tell them they might supply the state of New York, and all the State of Vermont. Likewise an immense quantity was shipped to the western States last summer, not only of flour but other articles.

This has been already done. He felt confident that the measure must be of the greatest advantage.<sup>12</sup>

MR. MCCONNELL said the subject was of the greatest importance to his constituency. He expected the hon. gentleman intended to recommend it to the farmers of Upper Canada. He would give the hon. gentleman every credit for telling a good story, and telling it to the point.<sup>13</sup> OR MR. MCCONNELL ridiculed Mr. Wilson's story, on a previous evening, about driving the pigs, and feeding them.<sup>14</sup> The hon. member for Richelieu had told them that wool is 6d. here, and 2s. 6d. there. He thought there must be some mistake or difference in quality. It was found by evidence taken before a Committee of last Parliament, that the farmers of Vermont possessed greater facilities than did those of the Eastern Townships; therefore, they would labor under great disadvantage if this measure goes into effect.<sup>15</sup> The member for Shefford had also spoken in reference to the article of cattle. Now, the United States drover could, by his easier mode of communication, come into the markets of Canada so quickly as to drive out the Canadian farmer. He did not think, therefore, that Lower Canada would gain such in the article of cattle; but in the article of horses, there would, no doubt, be a great benefit from this reciprocity, for they produced 20 per cent. more in the South than in Canada. The same thing was true with respect to butter.<sup>16</sup> Butter is made in the Eastern Townships cheaper than in the United States, it<sup>17</sup> was selling in Montreal 10 and 12 per cents., while in Boston it was worth 17 to 25 cents. Another reason<sup>18</sup> why he would go for this resolution was, that<sup>19</sup> the Boston folks had pushed a railroad within sixty miles of the lines, so that they could lay down goods in Stanstead cheaper than the people of Montreal. He did not know why that was--there were different opinions about that; but he believed every man with a Canadian heart was anxious for Montreal to recover again, and become one of the greatest commercial marts on the continent.<sup>20</sup> He hoped one day to see it take its place as the first City of America.<sup>21</sup> Still for the reasons he had stated, he would vote for the resolution.<sup>22</sup>

MR. ROBINSON supported the measure, because he should wish to allow the farmers of Upper Canada to avail themselves of the American markets, if prices were higher there than on this side. He would therefore support this resolution with pleasure, as they needed permission in consequence of the protection at home being removed. He would pay no attention to the argument advanced by some hon. gentlemen, that the Americans would alone reap any advantage from the passage of these resolutions. Such an argument was absurd.<sup>23</sup>

MR. H. SHERWOOD, (Toronto) said, when the question was before discussed, he had not an opportunity to express his opinion upon it. He did not think that they should show too much anxiety to pass the measure.<sup>24</sup> Mr. Dix had endeavoured to enforce on the minds of the American people the idea that they will alone reap all the advantages derivable from the passage of the reciprocity measure; and he would allow that gentleman to continue to urge and enforce that idea, and not be hasty and ill-timed motion on our part to destroy its effect, and give the Americans reason to believe that it was unfounded<sup>25</sup> and thought it would be a great deal better to delay the measure.<sup>26</sup> He agreed cordially in the principle involved in the resolution<sup>27</sup> and would vote for it if it were delayed. He thought that



the Ministry had not exerted themselves sufficiently to procure protection. He believed that they had not adopted the true policy. They had exerted themselves far more to open markets in the United States, than to get protection in the British markets. The feeling of nine-tenths of the people of Upper Canada was in favor of protection, yet they had refused to let one word of protection appear in the address, and it had gone home without it. It had been said that it was absurd to say that England would return to her old system--if so, there was nothing absurd in asking for protection. He would vote for the amendment as it at present stood; but that if the resolution was deferred, he would then vote for it cheerfully.<sup>28</sup>

DR. DAVIGNON.--M. l'orateur, je ne dirai que quelques mots sur cette question. Je partage les sentiments exprimés par mon hon. ami pour Rimouski. Je dirai de plus que je suis convaincu moi, qu'il n'y a pas de pays qui demande plus de protection que celui-ci. Et ce sont les cultivateurs Canadiens surtout qui en ont besoin. Mes hon. amis pour Kamouraska et Chambly diront la même chose. Une autre raison qui me porte à dire que nous devons adopter l'amendement que je seconde, c'est celle-ci.

Nous autres habitants nous sommes ignorants et nous pouvons bien nous tromper, mais nous craignons, qu'en otant les droits d'entrée sur les produits américains, que tôt ou tard on sera forcé d'avoir recours aux taxes directes. Voilà une des raisons pour lesquelles je ne suis pas prêt à voter pour la proposition telle qu'elle est.

Quant à l'idée du libre échange en elle-même, il se peut qu'elle ait du bon. Mais je dis qu'elle est contraire aux intérêts de nos habitants des campagnes. Une des raisons pour lesquelles notre agriculture n'est pas aussi prospère que l'agriculture l'est ailleurs, c'est que nos habitants négligent d'élever des animaux. Ça serait le seul moyen d'améliorer leurs terres. Eh! bien, si aujourd'hui, malgré des droits presque prohibitifs sur l'entrée dans ce pays des animaux des Etats-Unis, nos habitants ne sont pas en état de lutter avec les américains, ils le seront encore bien moins, si nous adoptons les résolutions qu'on nous propose en ce moment. On dit que les marchés des Etats-Unis donnent de bons prix. Pourquoi donc les américains amènent-ils ici leurs animaux? Je demeure dans un comté où on ne voit que des animaux des Etats-Unis. Je ne vois pas pourquoi on amènerait ces animaux sur nos marchés, si on pouvait les vendre plus chers aux Etats-Unis.

Je connais un boucher qui à lui seul fait venir des Etats-Unis pour douze cents louis d'animaux. C'est parce que je suis convaincu que cette mesure nuit aux intérêts des cultivateurs que je crois devoir voter en faveur de l'amendement que j'ai secondé.<sup>29</sup>

MR. CHAUVEAU said he was in favour of the principle of this measure; but believed his constituents were opposed to it as it stood<sup>30</sup>. He sought to obtain an exemption in the articles of living cattle and fresh meat. He considered the Navigation of the St. Lawrence of far more importance than the present measure. Having recorded his vote against the the introduction of living cattle and fresh meat, he would<sup>31</sup> gladly also give his vote for the main motion.<sup>32</sup> Je ne crois pas qu'elle puisse d'ailleurs être nuisible au progrès de cette province. Je crois au contraire, qu'avec la navigation libre et le chemin de fer d'Halifax et de Québec, elle nous sera favorable. Sans cela, j'ai mes doutes sur l'efficacité de cette mesure. La plus grande partie du commerce se fera alors avec l'Angleterre par les

Etats-Unis. Au contraire, avec un chemin de fer de Québec à Halifax, l'effet d'avoir les droits sur pes produits Américains devra entraîner tout le commerce de l'ouest par la voie du St. Laurent. Dans ce cas les manufacturiers et les producteurs de toutes sortes auront une compensation pour le tort qu'ils pourraient d'ailleurs souffrir. Nos agriculteurs auront l'avantage d'un double marché. Pour plusieurs articles ils peuvent soutenir la concurrence, il n'y a que ceux qu'on propose de retrancher pour lesquels ils ne peuvent pas supporter la concurrence, et pour lesquels ils ont droit de demander une protection, qui, si elle leur est refusée, leur servira de titre, du moins pour demander des améliorations qu'on leur refuse depuis longtemps et qui ne leur seront qu'une juste compensation pour le tort qu'ils pourront souffrir de cette mesure.<sup>33</sup>

MR. CHIEF COM. P. W. TACHE.--M. l'orateur, malgré les compliments flatteurs qui nous ont été adressés de la part d'hommes qui se supposent avoir seuls tout le bon sens, toutes les connaissances possibles, je crois devoir m'opposer à la liberté de commerce avec les Etats-Unis. De la part d'hommes qui s'attribuent une supériorité si grande, j'attendais des arguments irrésistibles, j'avoue néanmoins qu'ils ne m'ont nullement convaincu. Je sais combien il est beau de marcher sous une lumière, où se trouve inscrit le mot liberté. Ce mot excite toujours beaucoup de prestige. Je redoute néanmoins la mesure qui nous est proposée; je crains qu'elle ne soit d'un effet funeste pour le Bas-Canada.<sup>34</sup> It was said, indeed, that Upper Canada could compete with the United States, and it was asked why Lower Canada should prevent them. The reason was that Lower Canada could not compete with the United States; and if either must make a sacrifice, it was Upper Canada, which was the most rich.<sup>35</sup> On sait que l'agriculteur canadien ne peut pas élever des bestiaux avec autant d'avantage que l'agriculteur américain. Et si l'on force notre cultivateur à rentrer ainsi en compétition avec un voisin plus puissant, loin de l'encourager à réformer ce qu'il y a de vicieux dans son système d'agriculture, on apporte chez lui le découragement et plus nous avancerons, moins nous serons capables de supporter la compétition; tandis que quelques années encore de protection ne pourraient que nous mettre en état de rentrer avec les américains en pleine compétition.

Je trouve la preuve de ce que je dis ici dans un tableau des revenus<sup>36</sup> paid on agricultural produce in 1847 and 1848<sup>37</sup> que je tiens à la main. Ce tableau montre que, malgré des droits très élevés, les américains n'ont pas cessé de nous amener leurs produits et surtout leurs animaux, quoiqu'ils eussent à payer 35 chelins d'entrée sur un seul boeuf, droit qui équivalait presque à une prohibition. Que sera-ce donc lorsqu'ils pourront rentrer libres avec leurs produits? Que sera-ce donc lorsqu'ils pourront rentrer libres avec leurs animaux? Nous ne serons alors jamais capables de concourir avec eux. Malgré cela on nous assure que nous avons raison de vouloir la liberté de commerce avec les Etats-Unis. J'avoue mon infériorité sur ce genre de questions; mais je ne reconnais l'infailibilité de personne, et tant qu'on ne m'aura pas prouvé que j'ai tort, je croirai avoir raison. On a dit: cette mesure va hausser les prix de nos produits; les marchés de New York sont meilleurs que les autres marchés, mais d'autres nous disent: tout le monde a intérêt à ce que les prix de nos produits soient bas, et la liberté de commerce ne peut manquer de les faire baisser. J'aime à croire qu'on a raison, mais je ne veux pas moi



qu'on fasse baisser les prix de nos produits agricoles.

L'hon. inspecteur général nous dit, si vous demandez de la protection contre les Etats-Unis il vous faudra aussi demander contre le Haut-Canada. Mais deux noirs ne font pas un blanc.<sup>38</sup> The Lower Canadians, then, did not desire to have two rivals, because they were forced to have one.<sup>39</sup> Il est impossible d'empêcher les Américains d'y apporter les leurs.<sup>40</sup> The producers of Upper Canada thought this measure would raise the price of produces by giving them better markets; but there was another party who, in the interest of consumers, hoped that it would make provisions cheap. Of this number was the Inspector-General, who said it was for the advantage of the country that all articles should be cheap. Now, he had a great confidence in the opinion of the Inspector-General, and he should therefore vote against the bill, because he did not want to make provisions cheap; but to afford good markets to the farmers.<sup>41</sup> Vient ensuite la partie de la question la plus importante à mon point de vue. Je ne crois pas que la libre navigation du St.-Laurent soit liée avec cette mesure. Rien empêche qu'on permette aux produits Américains de passer par nos canaux, sans avoir la liberté de concourir sur nos marchés, sans payer de droits.

En terminant, je dirai que je n'ai pas parlé pour convaincre qui que ce soit; ça se fait rarement ici. Je n'ai voulu que faire connaître mon opinion ainsi que les raisons qui me portaient à voter contre cette résolution.<sup>42</sup>

MR. BADGLEY would say very few words. As the representative of an agricultural county, he would vote for the resolution before the House. He believed that it would satisfy the people of the Eastern Townships, by affording them two markets in place of one. He knew the people of the Eastern Townships were in favor of reciprocity<sup>43</sup> if carried out in a fair and equitable manner.<sup>44</sup> He should vote for the measure of the Government and against the amendment. It appeared to him that it would not remain there; all seemed to show that, notwithstanding restriction, they still found better markets there than here. This is an agricultural, and not a manufacturing country.<sup>45</sup>

M. PAPINEAU.--Il me semble, M. l'orateur, qui (sic) les hon. membres, qui veulent revenir au système usé de la protection, voulaient être conséquens avec eux-mêmes, ils trouveraient la protection en faveur de nos cultivateurs bien plus complète dans la prohibition entière avec les Etats-Unis. Ils ne considèrent que la consommation que Québec et Montréal peuvent faire et ils ne veulent pas qu'on puisse leur faire concurrence sur ces marchés du Bas-Canada. Le plus sûr moyen d'atteindre ce but serait de demander la prohibition entière des produits des Etats-Unis. Pour rentrer plus avant dans leurs vues, cette prohibition devrait être suivie de la prohibition d'étudier aussi tout ce qui regarde les institutions politiques des Etats-Unis. Eloignés de toute comparaison, nous nous admirerions dans notre ignorance; pour plaire à l'hon. membre pour le comté de Sherbrooke, il nous faudra renoncer à tout progrès qui pourrait nous venir de la république voisine.

Il nous dit, pour nous porter à abandonner cette mesure; il y a des considérations plus élevées que celles de l'argent et du profit, qui doivent nous guider dans notre décision sur cette question. J'admets que le libre échange peut enrichir le pays, mais voyons les conséquences de cette mesure; ne tendra-t-elle pas à diminuer notre admiration pour les institutions anglaises? ne tendra-t-elle pas à augmenter au contraire notre admiration

pour les institutions américaines. Nous serons donc toujours condamnés à vivre dans l'ignorance? Il ne faut donc pas craindre d'avoir trop de sources où nous pouvons puiser de lumières? Ces erreurs sont capitales. nous formons partie de la grande société humaine; et nous devons étudier les progrès qui se font de toutes parts. D'abord nous avons à nous demander quel a été pour nous le résultat du système colonial qui consistait dans la protection des produits coloniaux sur les marchés de la métropole; système de souffrance mutuelle, de monopole qui élevait la valeur de tout ce que nous avions à vendre sur les marchés anglais, nous empêchait d'aller vendre nos produits ailleurs et faisait payer, aux classes pauvres d'Angleterre, le pain à des prix beaucoup plus élevés.

On voudrait nous faire revenir au système de la protection de l'Angleterre abandonné depuis deux ans. Mais est-ce qu'on ne comprend pas que jamais on pourra espérer voir l'Angleterre revenir à ce système du moyen âge? Est-ce que l'on ne se rappelle pas que le gouvernement anglais a été forcé par le peuple à abandonner les lois protectives? qu'il n'a fait que céder à la crainte d'une rétribution de la part du peuple plongé dans la souffrance par les hauts prix d'objets pour lui de première nécessité? Ne croît-on pas aussi que, quand il a fallu au gouvernement anglais céder ainsi ainsi aux vœux des neuf dixièmes de la population anglaise, ça serait pour nous un rêve que de vouloir faire revivre en Angleterre des jours de protection et de monopole? Ce n'est pas une demande comme celle-là qui pourra être entendue aujourd'hui dans notre métropole. Ainsi, il ne faut pas que la considération du retour vers un ordre de choses qui ne peut qu'être de plus en plus condamné, à mesure que les idées du peuple s'éclaireront, puisse avoir la moindre influence sur nos délibérations. Mais prenant la détermination du gouvernement anglais telle qu'elle est de nous retrancher toute protection, demandons-nous simplement la liberté de commerce, est-elle ou n'est-elle pas véritablement le meilleur moyen, non pas pour nous donner le pouvoir d'y aller quand on le jugera convenable, quand nous y trouverons notre profit; retirerons-nous quelque avantage de cette faculté? voilà la considération qui doit nous guider en ce moment sur cette question. Mais les hon. membres disent, nous croyons que la réciprocité sera très favorable aux canadiens, par rapport à la vente de leurs troupeaux et de leurs bois, mais nous craignons qu'elle ne leur soit pas également profitable pour la vente de leurs chevaux! Ils voudraient qu'on put faire des règlements qui pussent nous donner tous les avantages et rien aux américains. Mais est-ce qu'on peut espérer voir des personnes faire un marché sans que tous y aient quelques intérêts? Est-ce qu'on espère qu'il y a moyen pour des personnes qui sont libres de traiter ou non ensemble, de dire faisons un marché, à condition qu'il sera toujours à votre avantage, jamais pour le nôtre? Nous convenons qu'il y a un gain d'assuré pour la plus grande partie de nos produits, il ne faut donc pas s'arrêter à la possibilité qu'il y ait une perte légère sur un de ces articles qui sont mentionnés dans la résolution. Le Haut-Canada est déjà, dit-on, préparé à soutenir la compétition la plus libre. Pourquoi ne le serions-nous pas? Pourquoi voulons-nous le système de protection qui n'a rien fait pour notre agriculture? Ce système de protection ne développera pas, comme on le pense, notre industrie, plus vite que ne le ferait la liberté de commerce; c'est tout le contraire. Ce sont les améliorations que l'on a faites dans le Haut-Canada qui l'ont mis en état de rentrer en compétition avec les Etats-Unis. Donnez des améliorations au Bas-Canada et vous lui procurerez les mêmes avantages. La protection



n'a pas rendu bon notre système de culture et elle ne pourra jamais atteindre ce but. La partie défectueuse de notre culture est le peu d'attention que nous donnons à nos animaux. Ce qui est essentiel à une bonne culture, c'est d'avoir des racines pour l'élève du bétail. C'est ce changement dans notre culture qu'il nous faut. Nous ne pourrions rentrer qu'alors en compétition avec les américains dans la vente de nos animaux. Il nous faudra, pour atteindre ce but important, cultiver sur un pied considérable, les navets et autres racines nécessaires à élever des bestiaux. Dans chaque pays il est un instinct, un bon sens général, qui dirige le travail de ses habitants vers l'industrie naturellement la plus productive, et nous, nous ne pouvons pas espérer être toujours vendeurs et jamais acheteurs.

La remarque que le commerce des animaux produit des droits à un montant assez modique, pour qu'on voye qu'il ne peut pas décourager l'industrie, n'est pas juste. S'il y a des moments où nous recevons au moyen de ces tarifs sur l'entrée des animaux américains en Canada des revenus assez élevés, il y a des moments où nous perdons et tout ce que reçoivent les américains est une diminution des profits que les cultivateurs feraient sous le système du libre échange. Je crois donc qu'il y a erreur de croire à la possibilité d'un retour au système de protection; que dès ce moment il faut chercher à se donner les marchés nouveaux. Et nous devons nous souvenir que le marché nouveau le plus avantageux sera toujours celui qui sera le plus prêt. A mesure que nos rapports deviendront plus faciles avec les grands centres de population, avec les villes dont la consommation est la plus considérable, plus nous verrons hausser le prix de nos produits; et peu doit nous importer quels soient ces villes ou grands centres de population. Est-ce qu'il ne serait pas très à désirer que New-York nous fut donné comme marché, avec sa population aussi riche que nombreuse; avec son port magnifique, fréquenté par les navires de toutes les nations? Est-ce qu'il ne serait pas à désirer que New-York fut à nos portes, à quelques milles d'ici? Ne sentons-nous pas que cette ville est le meilleur de tous les marchés que nous puissions avoir et que nous serions heureux de pouvoir nous rendre sans dépense quelconque? La multiplicité des canaux est le moyen artificiel de diminuer pour nous les frais de transport de quelques produits que ce soit. Le district de Québec est presque toujours aussi accessible que celui de Montréal à New-York. L'amélioration de la (sic) rivière Chambly donne aussi à Québec, New-York comme le lieu de consommation et de la vente de ses produits, comme il le donne à Montréal. Si de nouveaux ouvrages, qui ne sont pas encore achevés, nous donnaient à tous un port de mer comme celui de New-York, est-ce que le bon sens commun ne nous conduirait pas à adopter le marché le moins coûteux? Le système colonial est tombé dans l'esprit de tous les hommes instruits depuis 1775. Lorsque les colonies anglaises se sont séparées, elles étaient loin d'être ce qu'elles sont aujourd'hui et l'Angleterre était loin d'en tirer les profits qu'elle en retire actuellement; de cette époque les hommes d'état en sont unanimement venus à la conclusion que le système coloniale (sic) est nuisible et aux métropoles et aux colonies. A la suite d'Adam Smith, tous les hommes d'état versés dans la connaissance des affaires publiques; tous les écrivains marquants qui ont écrit sur les différents systèmes commerciaux ont condamné le régime colonial. Et l'expérience a montré combien était juste en pratique cette théorie des économistes. En voyant combien les colonies anglaises de toutes les parties du monde, sous le système colonial de la protection et des monopoles, sont restés en arrière des Etats-Unis avec leur liberté de commerce,

on ne peut qu'être frappé des avantages de la liberté en tous genres pour les peuples, ainsi que des désavantages, des effets mortels de la dépendance, des lois restrictives, et des systèmes producteurs. Encore une fois, tous les écrivains éclairés du jour sont unanimes à condamner le système colonial et les lois protectives; la liberté et tout et partout, voilà leur principe.

Je dis donc quand il y a un accord pareil sur un semblable sujet, de tous les hommes éclairés de la France, de l'Angleterre et des Etats-Unis, je dis qu'il n'y a pas à hésiter sur ce sujet. Il n'y a pas un nom auquel s'attache aujourd'hui quelque confiance qui ait traité ce sujet et ne soit pas favorable à la liberté des échanges. Or, quand il n'y a pas un homme d'éducation forte qui n'ait déploré de voir le monde enchaîné par les fers des systèmes aussi fautifs, nous devons nous guider non pas seulement par ce qui pourrait être l'idée des classes moins instruite (sic) mais sur l'opinion unanime des savants, de ceux qui ont pour mission d'étudier cette sorte de questions. C'est se tromper sur les sentiments de nos concitoyens que de croire que l'on doit agir contrairement à cette opinion.

Il faut par le raisonnement, par le courage à combattre les erreurs du peuple, quand il tombe dans l'erreur, lui montrer que plus il aura de liberté, plus il reconnaîtra la nécessité de s'instruire, d'avoir une bonne culture; les masses finissent toujours par reconnaître la vérité qu'on leur proclame. Je crois donc que quelques uns de nos collègues qui doivent avoir assez d'influence, agissent mal en se soutenant en ce moment dans leur démarche par les préjugés régnants dans les classes moins instruites, qui les portent à s'attacher à un système abandonné, usé, qui a été nuisible jusqu'à présent partout où il s'est montré; et cela, lorsque nous avons espérance qu'en augmentant nos rapports commerciaux nous augmenterons la richesse, le bien-être de nos cultivateurs en leur facilitant la vente de leurs produits, et les mettrons par là seul en état de supporter sans trop d'inconvénients les pertes qu'ils pourront d'ailleurs avoir à souffrir en conséquence de cette mesure. Mais il n'est pas vrai que certains de nos habitants aient tant à souffrir qu'on le dit de l'introduction de cette mesure. Le district de Québec qui est privé de pouvoir facilement élever des bestiaux ne pourra lui aussi qu'y gagner. Les hon. membres savent bien qu'on a à Québec l'habitude de venir chercher des animaux à Montréal; que la fréquentation des ports de Québec par les vaisseaux étrangers ont donné cet avantage aux habitants du district de Québec tout entier. Des circonstances particulières qui ont voulu que dans le Bas-Canada on s'entendit moins bien que chez nos voisins à l'élève des bestiaux, et que notre culture fût privée de cet immense avantage. Nous ne pourrions y remédier que par la culture des racines; non pas, par des systèmes de protection.

Tant que nous ne cultiverons pas des navets et autres racines pour la nourriture de nos animaux, nous serons exposés, comme jusqu'ici, à voir nos habitants perdre l'hiver les animaux qu'ils auront élevés avec peine l'été d'au paravant. Le printemps nos habitants sont presque toujours plus pauvres qu'en automne. Eh! il doit en être tout le contraire. Notre système de nourrir les animaux uniquement avec les produits des prairies est donc vicieux? Là où la culture est bien entendue, le cultivateur chaque printemps doit être toujours de plus au plus riche. La meilleure des mesures est celle qui est pour l'avantage des deux partis intéressés; nous devons pas craindre que les Etats-Unis retirent quelques profits de cette mesure; tout de qu'il nous importe, c'est que nous y ayons nous mêmes avantage. Quant à l'observation que c'est montrer trop d'empressement que d'adopter à présent cette résolution; que le congrès n'a pas encore agi, c'est une observation qui mérite à peine qu'on y fasse attention.



Les représentants de 25 millions d'habitants riches et prospères, qui ne peuvent, dans tous les cas, avoir que peu d'intérêts à cette mesure, sont moins dans la nécessité de se hâter que nous qui sommes dans la pauvreté, et qui avons un grand besoin de réciprocité. Si l'action des Etats-Unis est lente, ils ont moins besoin de cette mesure que nous, et c'est à nous à nous hâter de montrer au congrès notre bonne volonté en cette occasion, et à l'intéresser ainsi en notre faveur. C'est une mauvaise idée que de vouloir croire qu'un commerce puisse profiter à une seule des parties et subsister longtemps. Le commerce ne peut se maintenir entre deux partis que lorsque tous deux y ont intérêt; autrement l'épuisement de ses ressources le fera finir pour l'une des parties. Tout le nord (sic) des Etats-Unis semble acquiescer à notre demande. Le sud, il est vrai, fait un peu d'objection et ce n'est pas bien étonnant. Il faut avouer qu'avec ses institutions, il n'est pas la partie la plus avancée, entr'autres choses, dans la liberté de commerce telle que comprise par les peuples les plus avancés de l'Europe. Leur indifférence sur le commerce avec le Canada vient de ce qu'ils en sont éloignés, comme notre indifférence à nous vient surtout de l'habitude. Nous avons pour nous les hommes instruits qui dans le congrès s'attachent à donner suite à cette mesure, et il y a lieu d'espérer qu'ils y donneront suite dans cette session.

Toujours nos propositions ne sont que propres à augmenter nos chances de succès, en soutenant dans le congrès les personnes qui s'intéressent à la passation de cette mesure dont nous avons plus besoin que les Etats-Unis, puisqu'elle tend et peut manquer à augmenter notre prospérité. C'est donc à nous à commercer l'action, à commencer à agir.

Nous avons moins de difficultés à rencontrer que nos amis dans cette mesure, de l'autre côté des lignes. D'ailleurs nous nous ferons honneur, en nous montrant les premiers au niveau des connaissances actuelles du monde civilisé, en cherchant la liberté de commerce le plus vite possible.<sup>46</sup>

M. CARTIER.--M. l'orateur, dans une discussion comme celle-ci, je m'attendais bien à nous voir faire des objections par les membres du Haut-Canada, mais je ne croyais pas à avoir d'objections formulées de la part de membres du Bas-Canada. M. l'orateur, je suis dans ce moment ici le plus à même de déduire mes raisons que je l'aurais été l'autre soir, lors de la première discussion sur cette question. D'abord un des côtés de cette question a été de savoir si le Bas-Canada était en état de lutter avec les Etats-Unis par rapport aux objets dont il s'agit. Je dis donc que je croyais avoir de l'objection de la part du Haut-Canada plutôt que du Bas-Canada; c'est que le Haut-Canada produit à peu près les mêmes produits que les Etats-Unis. Je dis que la production du Bas-Canada est un peu différente de celle du Haut-Canada. La raison en est simple; c'est que, quoiqu'il ait été remarqué que le Bas-Canada ne produit que des menus-grains, il ne faut pas regarder avec mépris cette récolte. Que serait devenu le Bas-Canada, si nous n'avions pas eu ces menus-grains, ces années dernières? Eh! bien je dis donc que depuis trente trois la seule chose qui ait sauvé le Bas-Canada de la ruine et de la famine<sup>47</sup> since 1832 and 1833<sup>48</sup> qui l'ont fait végéter, c'est cette production. Je dis cela parce que je regrette que l'hon. membre pour Simcoe<sup>49</sup> OR the hon. member for Saguenay<sup>50</sup> auquel je reconnais une grande somme de bon-sens, ait parlé avec légèreté de cette récolte. Il est constaté que le Bas-Canada peut produire ce grain en grande abondance.

Que doivent donc faire les législateurs, c'est d'adopter quelques

mesures pour obtenir les meilleurs prix pour ces menus-grains. Que nous est-il offert aujourd'hui? Il nous est offert par les états d'aller vendre tous nos produits sur leurs marchés. Est-ce que la mesure qui est aujourd'hui en discussion dans le sénat n'a pas été adoptée dans la Chambre des représentants à la dernière session? Fallait-il attendre qu'on se mait (sic) à genoux devant nous?<sup>51</sup> He thought if there were any supplicating, it should come from Canada, which was suffering for want of the measure being carried.<sup>52</sup> Les Etats-Unis ont fait plus qu'ils devaient faire en cette occasion. Je partage l'opinion de l'hon. membre pour le comté de Saint Maurice. Quand bien même les américains n'auraient rien fait, nous devons prendre l'initiative nous qui souffrons. Ils se sont montrés plus généreux que nous avons droit de l'espérer. Eh! bien, l'adoption d'une mesure semblable dans cette Chambre, nécessairement devra faciliter l'adoption de la mesure au congrès. M. l'orateur, dans le cours de la discussion, il a été fait mention qu'en 1844 le Bas-Canada a produit de toutes espèces de grains onze millions de minots; il les a produits depuis et les produira encore. Eh! bien si ces mis-grains au moyen de la mesure qu'on discute actuellement devaient nous donner un chelin de plus par minots, quelle ne serait pas notre richesse au prix de ce qu'elle est! Est-ce que ceci n'est pas pour nous un objet important?

Il ne faut pas perdre de vue que le Bas-Canada dépend surtout de ses mis-grains. Je laisse aux membres pour le Haut-Canada de discuter cette mesure, pour l'autre partie de la province. Mais pour moi Bas-Canadian, qui ai toute ma famille à la campagne, qui ai moi-même des terres que je fais cultiver, je dois discuter cette mesure pour le Bas-Canada. Eh! bien, je dis que cette mesure importante est la seule que nous puissions adopter pour soulager l'agriculture et le commerce qui souffrent. C'est un fait notoire; tout le monde sait que le district de Montréal regorge de produits qu'on ne peut pas vendre. Eh! bien, aujourd'hui il faut ouvrir un marché auquel nous appelle, malgré ce qu'on a dit, la diversité de climat et de sol. Les états de l'Union américaine qui entourent ce pays, à partir du Maine à l'Etat de New-York, produisent-ils des avoines, de l'orge et des pois? Ils en produisent, mais en petite quantité; il leur faut souvent s'en passer ou aller les chercher ailleurs. Je puis citer à l'appui de ceci un fait incontestable, un fait personnel. L'année dernière, je suis allé aux Etats-Unis. Un jour que j'étais à Boston, je me suis enquis des prix du marché. J'ai appris avec douleur et étonnement quels grands prix les cultivateurs y recevaient pour leurs produits, quand nos pauvres cultivateurs sont obligés de donner leurs produits à des prix si petits. J'en ai subi du chagrin, de la douleur, et je me suis bien promis, qu'appelé à prendre part à la vie publique, je ferais tout en mon pouvoir pour ouvrir à mes concitoyens un marché si avantageux. J'ai vu vendre sur les marchés de Boston, les pois à six chelins le minot<sup>53</sup> of barley 3s.<sup>54</sup> et l'avoine trois chelins. Eh! bien, je me suis informé de la raison pour laquelle ces produits se vendaient si chers. On m'a dit, c'est parce qu'on n'en a pas beaucoup et qu'on en a un grand besoin pour la consommation des Antilles. Eh! bien le Bas-Canada après une mesure comme celle-là va se trouver entouré par la nouvelle Angleterre qui lui ouvrira un marché certain, accessible à tous les habitants comme à tous les districts de la province; au district de Montréal comme au district de Québec par la rivière Chambly. Les deux districts feront transporter leurs produits à New-York et à Boston<sup>55</sup> especially as the railway from Boston was now nearly completed to Burlington, to which Quebec could send by the Richelieu Canal<sup>56</sup> en sorte que nos produits, on pourra les diriger,



sur le point qu'on voudra pour son intérêt. Ne sera-ce pas là un avantage immense pour le Bas-Canada? Personne ne saurait le méconnaître. Une autre raison qui m'engage, M. l'orateur, à tenir la ligne d'argumentation que je tiens, est celle-ci: lorsque autrefois, avant la passation du bill qui impose des droits sur les produits Américains qui viennent dans ce pays, il n'en venait pas plus qu'aujourd'hui.

Je le demande: est-il à la connaissance des membres de cette Chambre, que les américains aient, pas exemple, jamais envoyés sur nos marchés un seul minot de pois? Non; car ils n'en produisent pas assez pour suffire à leur propre consommation. Ils ont un besion continuel de nos mis-grains; et aujourd'hui nous perdrons l'occasion de leur en donner! Je ne crois pas que ça soit la décision de cette Chambre. Il a été fait allusion, M. l'orateur, par l'hon. membre pour Sherbrooke à une objection qu'il avait contre cette mesure. Il dit que ce bill devrait être appelé bill pour l'annexion du Haut-Canada aux Etats-Unis. Je répondrai quelques mots à ceci. D'abord l'hon. membre doit savoir que dans le monde aujourd'hui l'intérêt est la mesure des affaires. Je demande à l'hon. membre, s'il est producteur, et il l'est je lui demande, si lui ne serait pas satisfait, tout loyal qu'il soit; est-ce qu'il trouverait mal qu'on vint lui donner double prix pour ses produits? Est-ce que sa loyauté l'empêcherait de recevoir un prix des américains pour ses produits, qu'il n'en retirerait pas d'un autre côté? Est-ce qu'il refuserait l'argent des américains plutôt que de tout autre, parcequ'ils sont républicains. Non, il ne le ferait pas; il ne devrait pas le faire, même dans l'intérêt de sa loyauté. Plus on est riche, plus on est puissant et plus on peut défendre sa loyauté. Je ne crains pas, comme l'hon. membre, que la mesure en question ait les effets qu'il en attend. Il est vrai que nous allons nous trouver vis-à-vis des Etats-Unis comme chaque état vis-à-vis les uns des autres. Nous aurons l'avantage qu'ils ont de commercer entr'eux, sans gêne ni restrictions.<sup>57</sup> But all that was asked with reference to the communication between Canada and the United States, was to put them on the same footing as Pennsylvania and New York, which traded together, without restriction.<sup>58</sup> Nous allons nous trouver dans la même position, mais nous aurons de moins les charges de l'Union. Tout le monde sait que les revenus des douanes sont consommés pour les dépenses du gouvernement fédéral et chaque état est obligé de payer à part les frais de son gouvernement local. Eh bien, nous allons nous trouver dans l'Union, sans avoir à concourir à payer les dépenses du gouvernement fédéral. Je dis donc que la passation de cette mesure, au lieu d'avoir la tendance que semble appréhender mon hon. ami, aura un effet tout contraire. Je dirai, maintenant, aussi quelques mots, M. l'orateur, en réponse à l'argumentation de l'hon. membre pour le comté de Rouville. Il semble craindre que la passation de cette mesure amènera la ruine de nos revenus. Eh! bien, je suis bien aise de la lecture que nous a faite l'hon. membre pour le comté de<sup>59</sup> Rimouski ((who)) had read tables to show that the amount collected last year was but £15,000. How would it be necessary to impose direct taxes to make up such a sum as that?<sup>60</sup> Je trouve dans la lecture de ce document la raison la plus convainquante contre l'espèce de raisonnement de l'hon. membre pour le comté de Rouville. J'entends mon hon. ami dire que la somme de revenus qu'il a trouvé dans ce tableau sera autant de moins dans notre poche; mais il perd de vue que de l'autre côté des lignes on prélève sur les chevaux canadiens des sommes encore bien plus considérables; et que nos cultivateurs perdent ce qu'ils auraient eu de plus sur le prix.<sup>61</sup> At this moment American speculators

were running over the Richelieu country to purchase grain; but of course they could not pay so much as they do, but for the American duty of only 20 per cent.<sup>62</sup>

MR. WATTS said, that remarks which he had made upon the question upon a former occasion, had been misunderstood, and that some members appeared to think that he had been very inconsistent in the remarks he had made, as he had formerly been much in favour of protection. He would just remind them that there was no protection before 1841, and then the Canadian farmers only asked protection because the Americans that year put a duty of 20 per cent upon their products, and, therefore compelled them to stop at their own markets, and while they were prohibited from going to the American markets, the Americans came with their produce and glutted their market, and the Canadian farmers were obligated to take the prices of a glutted market<sup>63</sup>. It was not until that period that the latter class asked for protection; they desired it in consequence of being prohibited from taking their produce to the States.<sup>64</sup> And that was the reason why he supported the giving them protection in 1843.<sup>65</sup> If a fair reciprocal trade were established between the two countries, it would in reality be a great boon.<sup>66</sup> But there was a change contemplated by the Americans, and now they were for going back to the old system. The farmers were in favour of their doing so, and that was the ground upon which he supported the Resolution, which only provided that if the Americans took off the duties, they would. If the Americans put on the duties again, they would not have to legislate again, because the resolution said that American produce was only to be admitted when they admitted free into the United States our produce. He could state that prices had been higher in the United States for years, and how reciprocity could injure the Canadian farmer he could not conceive. During the last fall, from his own immediate neighbourhood, from 1,000 to 1,500 head of cattle were driven past his own door to the United States, where they had paid some four or five dollars a head of duty, and sold there. If they had reciprocity would not that duty, which, supposing it to average four dollars a head, would amount to 1,500 dollars, have gone into the pockets of the Habitants, instead of going to increase the United States revenue? The hon. member then went on to comment on what had been stated about the measure affecting the Canadian market for butter, and to contend that as this country was one which exported that article, the price would be solely governed by the English market, and to say that he thought that this country could also compete with the Americans in cattle; if the French Canadian farmers required protection on this article, it was their own fault, and that they should try to adopt improvements which would enable them to do.<sup>67</sup> The hon. members who oppose this resolution would do their constituents much more good if they would attend some of the American fairs and purchase some of their numerous labour-saving machines, or stock, for the purpose of importing, than by any protection they could impose. The Agricultural Societies had done much good in this way; but he did not think that they had all taken the right course. Some had expended their funds in the purchase of the best beasts in other countries, whilst others divided the money in premiums upon the articles which they at the moment possessed. The hon. gentleman then repeated the same arguments, which had been already urged in favour of the resolutions, illustrating them by several facts which had come to his own knowledge, and in conclusion said that he had no hesitation whatever in supporting the motion of the hon. member for Lincoln, as it would be a means of benefit to his constituents



and to himself.<sup>68</sup>

MR. INSP. GEN. HINCKS said, that an extraordinary feature appeared in the discussion which had taken place in this measure,<sup>69</sup> and that was the opposite views entertained by the very few opponents of the resolution proposed by his hon. friend the member for Lincoln. They had the hon. members like the member for Essex, Toronto and Huron, who professed themselves favourable to the principle of the resolution, and yet were joining the opponents in their attempts to defeat it,<sup>70</sup> because they thought it inexpedient to pass it at that time.<sup>71</sup> Then there were the Protectionists, such as the hon. members for Frontenac and Prince Edward opposed to the whole principle of the resolution, who therefore gave it a strenuous opposition and lastly, there were those who, like the hon. members for the Counties of Quebec, Rouville, and Lotbinière, avowed themselves in favor of the measure, but merely proposed to omit certain articles from the resolution, the effect of which--as the hon. member for Quebec must have perceived if he had given any consideration to the subject--must be to defeat the measure. With regard to the first class of opponents--those whose opinions had been expressed by the hon. member for Toronto--they objected to this resolution on the ground that delay was necessary, because we might appear to be too anxious for passing the measure, which would not have a beneficial influence in the United States. Now, it was perfectly well known to the Americans that this measure of reciprocity was first suggested in Canada--(hear)--that it had been advocated for a considerable time by the hon. member for Lincoln; who had been himself to Washington, had seen the leading members of Congress there<sup>72</sup> and brought this scheme before many of the most influential and leading men<sup>73</sup> and exerted himself persuading the Americans to bring forward the measure. They must, therefore, be perfectly aware that public opinion in Canada was strongly in favour of the measure; but more than that, during the last Session of<sup>74</sup> the American Congress,<sup>75</sup> it was deemed advisable, in order to endeavour as far as possible to promote the passage of the bill then pending before the Congress, for two members of the Government--the hon. Attorney General East, and another gentleman not now in the Ministry--to proceed to Washington, to assert their influence in favour of the measure.<sup>76</sup>

MR. H. SHERWOOD.--We were not aware of the object of their journey.<sup>77</sup>

MR. INSP. GEN. HINCKS ((continued:)) Strong representations were made to the Americans, after which, it must be obvious to every one, that it was desirable we should show that these representations truly expressed the opinions of the country; but if there were any delay in passing the measure and taking action on the subject, the Americans would naturally conclude the Canadians did not care anything about the measure and the effect might be to defeat it in the Senate.<sup>78</sup> This he thought, was a good answer to the first class of gentlemen who had opposed it<sup>79</sup>. With regard to the amendment proposed by the hon. member for Lotbinière, as he had already said, he thought that some of the hon. members who supported it, had not given due reflection to the subject. They proposed to except from the reciprocity certain articles, the effect of which must be to defeat the measure; for could any one, acquainted with the character of the people of the United States, suppose that they would allow us to send them duty free those articles of which we were exporters, and leave a duty on those articles which they are exporters of? Hon. members were, therefore, aiding to defeat this measure by their amendment. But he would go further, and state to the House what were the articles which they proposed to exempt,

by this most absurd proposition. First, there was the article of butter.<sup>80</sup>

MR. CHAUVEAU.--I would omit butter from the amendment.<sup>81</sup>

MR. INSP. GEN. HINCKS.--That only proved the truth of what he (Mr. Hincks) had stated, viz., that the hon. member for Quebec had supported the amendment without having given it any fair consideration, or even knowing what it contained. (Hear, hear.) Butter was one of the articles of which the Canadians exported most; it was, therefore, one of those from which it was most desirable the duty should be taken. But the greatest absurdity in the proposition was with regard to animals and fresh meat; because they proposed to admit salted meat duty free, and to put a tax on fresh meat; to put a duty on the raw material, and admit the manufactured article duty! He would venture to assert, that a proposition so absurd had never been made in any country before. (Hear, hear.) Reference had been more than once made to that particular interest that the District of Quebec had in this item; now, under the present system, he found that, at the port of Beauce, there were during the past year nine oxen and eleven horses imported, and no fresh meat of any kind, and he put it to the hon. members whether they supposed, when they considered the difficulty of bringing fresh meat into the Province, that there was any danger of any large quantity being brought in by St. Johns and Montreal, even supposing that the present duty of one-half penny per lb. had any effect in keeping it out.<sup>82</sup>

MR. CHAUVEAU.--There is a heavy duty on live animals.<sup>83</sup>

MR. INSP. GEN. HINCKS ((resumed:)) The difficulty of driving the cattle there was protection enough for that part of the country. He thought that nothing could be more obvious than that there should be an end to all restrictions on those articles, which were exported in some parts of the Province and imported in others. When the House was in committee on this subject, he had gone over the articles which, it was proposed to exempt, and he had shown that they were articles which it was our interest to get from the United States. It was therefore of the greatest importance that we should endeavour to obtain this object by admitting these articles duty free. The hon. member for Rimouski had referred to the amount of duty paid on these articles, he (Mr. Hincks) found that of £23,620 paid on the grain, £15,000 was paid on Indian corn, for the use of distilleries. It was one raw material of the manufactures of the country which the hon. gentlemen were crying out it was absolutely necessary to protect. It seemed to him very inconsistent to cry out on the one hand that these manufactures should be encouraged, and on the other hand to refuse to admit the raw material duty free. He was speaking now of the manufacture of whiskey, the raw material of which we do not produce in any large quantities; and notwithstanding the strong feelings there might be to the distillery interest, it seemed to him that if whiskey was to be drunk in the country, it had better be that manufactured in Canada, than that made on the other side of the lines. Then as to salt meat, the principal article which would be affected by the resolution, so far as the lumbering interest was concerned, the hon. gentleman who moved the amendment agreed to admit that article duty free; and it was certainly most desirable to relieve the lumbering trade as much as possible, and to admit this article duty free from the United States, whatever they might do with regard to our produce, but how could the hon. member, with any sort of consistency, propose to put a duty on living animals--the raw material? With these observations the hon. member resumed his seat.<sup>84</sup>



COL. PRINCE, in answer to some remarks of Mr. Hincks, said that he was not inconsistent in voting for the amendment.<sup>85</sup> ((He)) was as friendly to the resolution as the Hon. Inspector General; but he did not approve of the reciprocity of that hon. gent. and his colleagues, which appeared to him only likely to thwart the object. He was amused at the surprise exhibited by that hon. gentleman, and his hon. friend from Drummond, that any hon. member for L. Canada should oppose the passage of the resolutions. If they reflected on the facts that those hon. gentlemen's constituents were placed in such a locality, as to render the passage of this bill injurious; they would find that in their position, they would act exactly in the same manner. The Hon. Inspector General really seemed to like the old motto, sic volo, sic jubeo, stat pro ratione voluntas, for his rule of conduct; but that would not answer to the Britons on his side of the House, and he hoped<sup>86</sup> that his hon. friends of French origin would not submit to such dictation.

MR. CHAUVEAU made some remarks in explanation, in which he took occasion to remark that the District of Quebec had been wholly neglected by the Ministry, and that in reply to any questions put to the Government, respecting his District, he invariably received a negative reply.<sup>87</sup>

MR. INSP. GEN. HINCKS rose to offer an explanation. The hon. member for Essex had charged him with a desire to dictate to the House. He (Mr. H.) begged the hon. member would allow him to enter a protest against the charge, and hoped that hon. members generally on the other side of the House did not concur with the hon. member in thinking that the part he had taken in showing those hon. members where their reasoning on this important question was defective, was dictation. In reply to the hon. member for the county of Quebec, he would ask that hon. gentleman how he could expect that the Government could at this time, undertake any measures involving a large expenditure, when they have been reduced to the painful necessity of issuing Debentures? The Government cannot undertake such operations as the hon. gentleman would wish to press on their notice; but at the same time, it was from no intention to neglect the interests of the City or District of Quebec.<sup>88</sup>

MR. RICHARDS remarked that it was notorious that the groceries of Canada West were supplied from New York. Having no reciprocal trade, the Banks were obliged to place funds at New York, and were thus much crippled in their monetary operations. If this Bill was passed, after the closing of the navigation, produce would be sent there by the Ogdensburg Railway, to pay for the goods brought in. If the Portland Railway were carried out, as he hoped it would be, the same thing would be carried on by that road. This would obviate that difficulty about payment which was now experienced. With regard to competition, it could make no difference whether the products of the United States met Canadian products in New York or in Liverpool. If grain did not come through the canals from the United States, it would go to England and meet Canadian grain there. One of the articles, of which the producers would be most benefited by this measure, was butter. Butter had been sold during the year in New York, at an average price of 12 to 20 cents per lb., while in Montreal, it had not averaged more than ten cents. If, therefore, gentlemen, who desired to preserve the market to their constituents, would look at the thing for a moment, they would see that if Upper Canada were allowed to send her butter to the United States, they would have the Montreal market to themselves. In fact, the bill of last Session in the United States, had induced many speculators to commence

operations in butter, which were not carried out, because the bill went no further than the Senate. This year large quantities of cattle were exported from his (Mr. Richards') part of the country. Within two months of the closing of the navigation, no less than £1000 had been expended there. If the butter trade were carried on as it might be under this measure, it would be more profitable than the breeding of cattle. Cattle would require to be imported; and to maintain the duty on them would only injure the Canadian farmer. As to the resolutions being too soon, he would rely with great confidence on the well known talent of the honourable mover. It was also clear that the Bill must be taken as it stands. If each county insisted on protecting some particular article, the whole measure would be destroyed. Some gentlemen, too, thought that the advantages of the bill would be all on one side. Every measure based on justice, must cause reciprocal advantages--it would take Canadian produce, Canadians would be able to buy some of their cotton and iron goods. The large stocks of the Lowell manufactures would remain in their hands, and merchants would buy as they required, in small quantities, at a great saving of capital. What was most remarkable in the debate, was, that every practical agricultur-<sup>89</sup> ist who had spoken on it, had expressed himself in favour of the resolution.

MR. G. SHERWOOD was in favor of the principle of the resolution, but was against carrying it through until they had heard of the decision of the United States Senate upon the measure before it. If it was passed at all, it would be carried by the present Administration, and it would be carried before the 4th or March next, when the next Administration took office; and, as the session of this house would extend beyond that day, there would be plenty of time to pass it after that day.<sup>90</sup>

MR. AS. COM. P. W. CAMERON would remind the hon. member that in the debate in the United States Senate, the opponents of the bill had asked the same question--How do we know that the Canadians are in favour of this measure? These delays were only preventing the passage of a measure, which was, on all hands, admitted to be universally popular in Upper Canada.<sup>91</sup>

MR. J. SMITH (Durham) was of opinion that no delay whatever should take place in the passage of these Resolutions, for it was impossible to say how soon the mail might arrive, which should bring the intelligence that the Reciprocity Bill should be passed into a law; and if that news should arrive, the action of the Legislature here should be prompt, in order to enable our farmers to reap the benefits during the present winter. The effect of doing so, would be to put upwards of £1000 into their pockets. He had heard an argument brought forward in opposition, which he did not think should have any weight, viz., that any apparent anxiety here would have the effect of arresting its progress in the U. States Legislature. This argument in his opinion could not be supported by one single tittle of evidence, and was scarcely founded in good sense. There was another argument brought forward, he believed, by the hon. member for Sherbrooke, who asserted that this act might be termed an act for forming and strengthening a connection with the neighbouring Union. It was difficult to meet an argument of that nature. It might have that effect, or it might not; but his impression was that the effect would be altogether different, for he finds by the papers published in that section of the country which he had the honor to represent, that since the sleighing had begun wheat had come in briskly at four shillings a bushel, whereas by the reports from Rochester, it appears that the prices there averaged from 5s. 9d. to six



shillings per bushel<sup>92</sup> and that showed what the advantage would be of having two markets.<sup>93</sup> Now it would be difficult to persuade the farmers of Upper Canada that any act of the Provincial Legislature which would deprive them of this large difference in price could be for their advantage. In his county alone it was very likely that about 300,000 bushels of wheat will be sold during the course of this winter. The loss of a shilling per bushel on that quantity was a trifling loss<sup>94</sup> and, if that was the amount of one county alone, the entire sum for the whole counties of Upper Canada would come to a much larger one, and this sum was much better in the pockets of the farmer than in the revenue of the United States.<sup>95</sup> He would like to ask the House; whether such a loss would or would not encourage a strong sympathy for those people who would give farmers a higher price for their produce, but to whom all access was forbidden? He knew and could confidently state that any sympathy for the United States was at present very slight; but he could assert, and would assert strenuously, that such a sympathy would be certainly brought about if the present system of commercial restriction were kept up.<sup>96</sup> He did not think that their institutions would suffer in any comparison with their neighbours; but if the farmers from Upper Canada could not get the same price for their produce as they saw their neighbors getting, they might become dissatisfied (sic); but if the present measure was passed, and they were allowed to get as high prices as their neighbours did, they would be satisfied, and remain contented with, and attached to, their institutions as they were.<sup>97</sup> There were some items included in this resolution, on which he believed the Americans might possibly have the advantage, but there were others on which the advantage would be clearly on our side; of this he would take the article of lumber as an instance, of which article large quantities were annually exported to the United States; he regretted his inability to produce the American Custom House returns, shewing the large amount of duty paid on this one article--an hon. friend told him the amount was \$150,000--he had very little doubt of it, and he thought that ought to be a sufficient reason for inducing hon. members to support these resolutions. In fine, after listening to all the arguments which had been advanced, the discussion of this question had convinced him, that he would discharge his duty to his constituents and himself in voting for these resolutions.<sup>98</sup>

MR. WILSON spoke upon the effect the measure would have upon the currency. At present most of the merchants going into the United States to purchase, paid for their purchase in bills, which were immediately afterwards presented at the Banks in the Province and specie demanded for them. The American merchants also, either charged 3 per cent more when they were paid in Canadian bills, or took them only at a discount of that amount. Now, if the measure was passed, the merchants, instead of paying for their purchases by bills, would pay for them in grain, and thus the loss by discount, and the drain of specie from their banks, would be prevented.<sup>99</sup>

MR. H. BOULTON spoke in favor of the resolution, to the same effect as when the house was in committee.<sup>100</sup>

MR. BROOKS made some observations upon what had fallen from Mr. Watts, and alluded sarcastically to the famed consistency of that gentleman, who he said was not content with asking for protection in 1843, to an equal amount to the duty imposed by the Americans on cattle, asked for a far higher duty, (hear)--He asked he (Mr. B.) believed, a duty of some six or

seven dollars a head on oxen, while the American duty was only two. He (Mr. B.) was in favor of free trade as a general principle, but he was afraid that they would be losers by it; from 1839 to 1848 the American market had been higher for cattle than the the Canadian one, but during the last years it had been lower and he was afraid it would continue so. If they had been legislating locally, he would have opposed the measure, but as they were legislating generally, he was in favor of the resolution. But he would vote for the amendment of the member for Frontenac, as he did not think they ought to legislate on the question at that moment.<sup>101</sup>

(69)

And the Question being put, that those words be left out; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Chauveau, Davignon, Duchesnay, Fournier, Fourquin, Gagy, Laterrière, Laurin, Lemieux, Malloch, Marquis, M'Lean, Scott of TWO MOUNTAINS, Smith of FRONTENAC, Stevenson, and Taché.--(16.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Brooks, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Christie, DeWitt, Dickson, Dumas, Egan, Flint, Fortier, Guillet, Hincks, Holmes, Jobin, Attorney General LaFontaine, Lyon, Macdonald of KINGSTON, M'Connell, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Prince, Richards, Robinson, Sauvageau, Scott of BYTOWN, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Thompson, Viger, Watts, Wetenhall, and Wilson.--(52.)

So it passed in the Negative.

And the Question being proposed, That this House doth agree with the Committee in the said Resolution;

Mr. Smith, of Frontenac, moved in amendment to the Question, seconded by Mr. Fournier, That all the words after "That" to the end of the Question be left out, and the words "it is not expedient at the present time to adopt any action upon the said Resolution until the views of the Congress of the United States in reference to the same subject, shall have been com-

(70)

municated to the Provincial Government," added instead thereof.

COL. GUGY said that the country had contracted a large debt for the construction of superb canals, and the country was pledged to the payment of that debt; and that it appeared to him that the measure would tend to decrease the revenue, from which that debt was paid, as it would have the effect of sending most of their produce to the United States, and he thought that the measure was premature, and that it might have the effect of tying the hands of the ministry to some effect, when the question of protection for home manufactures came before the House.<sup>102</sup>

(70)

And the Question being put on the Amendment the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brooks, Cayley, Christie, Fournier, Gagy, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Marquis, M'Lean,



Prince, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(18.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Dickson, Duchesnay, Dumas, Egan, Flint, Fortier, Fourquin, Guillet, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laurin, M'Connell, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Robinson, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, Viger, Watts, Wetenhall, and Wilson.--(50.)

So it passed in the Negative.

Then the Question being put, That this House doth agree with the Committee in the said Resolution;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Davignon, DeWitt, Dickson, Dumas, Egan, Flint, Fortier, Guillet, Hincks, Holmes, Jobin, Attorney General LaFontaine, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, M'Connell, M'Farland, M'Lean, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Prince, Richards, Robinson, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Thompson, Viger, Watts, Wetenhall, and Wilson...--(58.)

NAYS.

Messieurs Brooks, Duchesnay, Fournier, Fourquin, Gagy, Laterrière, Laurin, Malloch, Marquis, Smith of FRONTENAC, Stevenson, and Taché.--(12.)

So it was resolved in the Affirmative.

Reciprocity Bill.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to provide for the free admission of certain Articles of the growth or production of the United States of America into Canada, whenever similar Articles the growth and production of Canada shall be admitted without Duty into the said States.

He accordingly presented the said Bill on the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Oxford Election.

The House proceeded, according to Order, to take into further consideration the case of John George Vansittart, Esquire, Returning Officer at the last General Election for the County of Oxford.<sup>103</sup>

MR. NOTMAN rose and<sup>104</sup> said he must congratulate the House, that it was now placed in a position to decide on the conduct of Mr. Vansittart, there had been much time taken up, great expence (sic) incurred in the consideration of<sup>105</sup> this protracted case<sup>106</sup> already, but it was not to be regretted that such had been the case,<sup>107</sup> he thought the country would not complain of this expense, as<sup>108</sup> it was a most important matter for the House to guard its privileges and also<sup>109</sup> there was no subject which so

directly affected its happiness and contentment as the conduct of elections; and in no case ought the House to stand forward more determined, than to punish those who were guilty, and who presumed in any manner to interfere with the rights of the electors. Before commenting at any length on the testimony that had been adduced, he could not refrain from calling to the minds of hon. members the occurrences of last session and the conduct and language of members on the opposite side, with reference to this matter. The hon. members who espoused the cause of Mr. Vansittart, accused the hon. members on his side of the House of<sup>110</sup> arbitrary and harsh<sup>111</sup> conduct, unparalleled (sic) for tyranny and oppression<sup>112</sup>. (Hear, hear.)<sup>113</sup> But he asserted that their conduct on that occasion was perfectly Parliamentary.<sup>114</sup> The House had declared that Mr. Vansittart had made a false<sup>115</sup> illegal<sup>116</sup> return to that House<sup>117</sup> contrary to law<sup>118</sup>, had acted dishonestly and infringed the right of the electors of the county of Oxford, and had been guilty of a high breach of the privileges of that hon. House.<sup>119</sup> That was the vote at which the House arrived; and yet the hon. gentlemen opposite refused to concur in that declaration, and they were told in language of thundering eloquence, by the hon. and gallant member for Hamilton, that they, on that side of the House, were exercising the right they possessed in a tyrannical manner and the hon. member for Essex, with that bitter sarcasm which he so well knew how to employ, advised the gentleman at the Bar to throw himself at the mercy of this very merciful House. Now, he asked those hon. members, if they still maintained the language they held on that occasion?<sup>120</sup>

Cries of "Yes! Yes!"<sup>121</sup>

MR. NOTMAN ((continued:)) Did they still maintain that Mr. Vansittart had been tried without a hearing that his being at the bar was a mockery, and that he had been deprived of those advantages which were granted to the meanest felons of the land?--<sup>122</sup>

Cries of "Yes! Yes!"<sup>123</sup>

MR. NOTMAN ((continued:)) They answered "Yes," but had not the hon. mem. for Hamilton following the course which his parliamentary expertise taught him was the right one, persuaded Mr. Vansittart's petition to be heard; that petition had been granted, and the House had shown its desire to treat him with the fairness which Britons always exercised, in never condemning a criminal unheard. But Mr. Vansittart had been heard, and an ample opportunity afforded him to bring from the scene of his alleged misconduct every witness that he could think of, in order to purify the taint which he alleged had been thrown on his character. His witnesses had been heard throughout, and if he had a dozen witnesses they would have been heard as fully and patiently. And now, having heard the testimony which he had adduced on his behalf, they must proceed to examine and decide on it. The members must also bear in mind that this case had been put off last Session on the petition of Mr. Vansittart himself, and not by the direction of this House or at the suggestion of any member on that side of the House, but at the express desire of Mr. Vansittart, who hoped to vindicate his conduct. They had now heard his testimony, and the Province had been at the expense of having it printed. The whole matter, however, might be condensed into a very small compass. In the first place, they all knew that an election took place in the County of Oxford and they all knew that the circumstances of that election were of a very exciting nature. The country had cried out loudly for a dissolution, and it had been granted; the Hon. Francis Hincks had been a candidate for the county at the preceding election; and though



he alleged that he was elected by a majority of the independent electors who were duly qualified to vote, he need not remind hon. members that when he sought protection from the House, he was rejected from the County, and the majority of the electors who had given him their votes were deprived of his services. Excitement therefore ran high in the County of Oxford at the time of the election, and he (Mr. N.) hoped there never would be excitement felt at the time of the election, because it showed that the people were animated by a desire to maintain their privileges and institutions, and to return men to Parliament who would advocate measures in which they had a deep interest and represent their feelings. On that occasion the Administration of the day selected Mr. Vansittart, a supporter of their Government to act as Returning Officer. There were three candidates<sup>124</sup> named on the day of nomination<sup>125</sup> for the County the present sitting member and Messrs. Carroll and Campbell they were all duly nominated, and addressed the electors, and Mr. Hincks' representative spoke on his behalf. A show of hands was called for and it was in favour of Mr. Hincks, the qualifications of the candidates were called for<sup>126</sup> and produced<sup>127</sup>, and all of them objected to, discussion arose especially on Mr. Hincks' qualification<sup>128</sup>. The conduct of the latter functionary was complained of in strong terms by Mr. Brown, who represented Mr. Hincks on the occasion,<sup>129</sup> when Mr. Vansittart came forward and said to Mr. Brown "I have decided the matter in your favour. I shall take the qualification to be good." The qualification was therefore accepted on that occasion<sup>130</sup>. On Mr. Vansittart demanding the choice of the electors, a show of hands showed a great majority for Mr. Hincks, when a poll was demanded for Mr. Carroll, in the usual way<sup>131</sup>. Poll-books were prepared for the several polling books were then transmitted to the several polling places, in order that the votes might be taken; the polling was first fixed to take place on Monday and Tuesday<sup>132</sup> and at this point Mr. N. wished particularly to draw the attention of the House because, before the time arrived those days were changed to Saturday and Monday and why, to enable Mr. Vansittart to secure the services of Mr. Lapoutier<sup>133</sup>, partizan of the Ministry<sup>134</sup>, who had agreed to act as one of the Deputies and who have been prevented attending at the date first fixed, in consequence of his duties at the Court of Quarter Sessions and it would not have suited Mr. Vansittart's ideas to do without him. The election proceeded with the usual formalities. The electors left their families and homes from all corners,<sup>135</sup> with the full consciousness that they were about to express a right which was not only for the good of themselves and families, but also for the good of the country, the influence of which they no doubt hoped, would descend to future generations<sup>136</sup>, in the full confidence of being able to fulfil their duty in the most valuable privilege awarded to them by our glorious constitution; in such a manner as to redound to their own credit in making choice of him in whom they had always placed trust and confidence, but they were deluded by the admission of Mr. Hincks' qualification by Mr. V., the legality of which was afterwards denied by the latter.<sup>137</sup> Why was no intimation given that a certain class of voters would not be allowed to record their votes on that occasion? Why was it that the standard they had hitherto acted upon was to be set aside? This was done for no other purpose than to keep the supporters of the Hon. Inspector-General from voting, who were to be found amongst the persons referred to.<sup>138</sup> He intended shewing the whole transaction in its broad features, and not to cavil at the niceties to be found in the evidence brought forward by Mr. V. to shake the credibility of Mr. Brown which however, had never been impugned from any quarter, except the 2 witnesses brought by Mr.

language of Mr. Brown<sup>139</sup>. One witness stated distinctly that considerable confusion existed at the time, and that although he did not hear the words relating to the return of the Hon. Inspector-General "for that day," yet that they might have been spoken; and the other witnesses gave similar testimony. Mr. Whitehead had certainly been more positive, but even setting aside the testimony of Mr. Whitehead and Mr. Brown, could any man possessed of common understanding say, that the returning officer, in following the course he had pursued, had conscientiously performed his duty? He thought not<sup>140</sup>. Where then was the honesty of Mr. Vansittart in alleging such an excuse for his conduct, and in reserving to himself as he did of deciding on the election day, as to the legality of Mr. Hincks' qualification<sup>141</sup> although he most certainly possessed the right either to accept or reject the qualification. If Mr. Vansittart had said "This qualification is bad, I will not accept it," he would have honoured him in so doing, the act would have been honest; or if he had refused to place the Hon. Inspector-General among the list of candidates in consequence of that hon. gentleman not being present; and if he had told the men surrounded the hustings, and who intended to vote for that gentleman, that such was the case<sup>142</sup>. Mr. Hincks ... was inadmissible as a candidate, from an oversight, from a want of formality on his part, and not from any intrinsic unworthiness, they would have used their free option in the choice of the next best,<sup>143</sup> they would have lost no time in bringing forward some other candidate whose political views were more in accordance with their own, than any of the others whose qualification was held to be good.<sup>144</sup> They would have voted, under a certainty, not under a delusion and a snare, or the arbitrary will of any individual.<sup>145</sup> But such was not done, and a complaint of the unfair proceedings was made loud and deep by the electors who supported his hon. friend. Mr. Vansittart had told the House that he had consulted books on the course he was to pursue, as he felt his position to be a critical one, but<sup>146</sup> why did not his own sense show him the course, he Mr. N. had just pointed out.<sup>147</sup> If he had acted as common sense ought to have dictated, he would, seeing that his hon. friend had a majority in the show of hands, he would have declared the Inspector-General elected, and have felt the merits of the case to be decided by the House of Assembly itself.<sup>148</sup> Supposing that he was ignorant of the law, this would have removed the difficulties that he (Mr. V.) could not surmount by long and continued study of books and authorities bearing upon election matters. He was well aware of this, but his regard to the personal trouble, &c., to himself and party, excluded from his (Mr. V.'s) thoughts the interests of the electors. Mr. V. had his error in judgment, and referred to the spotless purity of his character through life.<sup>149</sup> Mr. Vansittart seemed to be afraid that the slightest suspicion should attach itself to his name, and was unwilling to come forward and thrown (sic) upon the mercy of the House.<sup>150</sup> How very seldom people like to confess their sins. (Hear, hear, and laughter.)<sup>151</sup> But that would have been the better course.<sup>152</sup> But these declarations of innocence were not to be taken there, more than in any Criminal Court, as to the motive of Mr. V.'s conduct it was not for him (Mr. N.) to probe the deep recesses of the human heart, and so situated it was his and their duty, to judge of the case by such chance circumstances as the case contained. The whole of the 12 deputy Returning Officers, appointed by Mr. V. were known Conservatives!<sup>153</sup> And Mr. Vansittart had even admitted that in those he appointed he thought he would be best serving the cause of the



Government who appointed him by filling such offices with Conservatives<sup>154</sup>. Why did he not employ Mr. Ward, who some days before had been engaged to act as deputy? Because Mr. Ward had in the interview stated his opinions, as being changed and his intention of deserting the Conservative cause. This led to his dismissal, and being replaced by (parties whose names we did not learn.) They were all selected, with the knowledge that they must shape their conduct so as to meet the pleasure of the ruling power. The head and front of Mr. V.'s offending was a delusion, his motives were proved by his own acts, not to be actuated by pure and dis-interested motives.<sup>155</sup> In all he had done Mr. Notman could not charge Mr. Vansittart with ignorance; he was an educated gentleman, and had made an eloquent speech in his own defence, and considering all things, he did think he could charge hi (sic) with collusion, let the hon. members on them (sic) other side say what they might. His motives it would be impossible for him to get at, as he could not read what was in his heart; but this much he would say, that to him his course appeared to be simple, and had he adopted a straight forward one, he would have avoided all this trouble. He said that he had written for advice to two gentlemen in official situations, but he had received no answer, and it was said that he had advised with Mr. Cameron; all he (Mr. Notman) would say was this.<sup>156</sup> He (Mr. N.) had not seen that opinion, but if it was such, as represented he would be thunderstruck and amazed<sup>157</sup> that that gentleman should have so advised him.<sup>158</sup> It was all proper enough for Mr. V. to consult the opinion of that hon. Member, or any competent legal adviser, but of what use was such a proceeding whereas, Mr. V. had previously determined in his own mind how to act.<sup>159</sup> He felt assured that if he had asked counsel from gentlemen on the opposite side of the House, it would have led to a different decision than the one acted upon.<sup>160</sup> He then went on to eulogize the conduct of Liberal party, claiming for them the credit of always maintaining the struggle for peoples rights, and referred to<sup>161</sup> the injustice which, he said, had been experienced in <sup>162</sup> the last general election, when none of the scenes of riot and bloodshed that formerly disgraced events of that kind were visible! Why had not this always been so when the Conservative party had the upper hand.<sup>163</sup> ((He)) made a few remarks on, what he thought, the more just system adopted by the present party in power.<sup>164</sup> He alluded to the striking election Committee that took place the day previous, with closed doors, and all the accompanying solemnities, and every precaution that everything should be done fairly and without prejudice, and asked why not the same caution in the back woods of Canada; was fraud condemned in one place and why not in another.<sup>165</sup> He trusted, he said, that the purity of elections would be maintained, and that they would not become a mockery and, he might add, a humbug.<sup>166</sup> (He made some allusions to Col. Prince, the two or three sentences of which we did not hear exactly, but it referred to inassailability of his side of this side, of the House by the opposition Phalanx.) That hon. member had urged that even if Mr. V. were guilty, he had been sufficiently punished. He denied this. Was the saving of expense to settle the question, Mr. V. had said he was regardless of expense, that he wished to clear his character that was above all price<sup>167</sup> and he had no doubt the sympathy of the House would be appealed to on this head, but hon. gentlemen should bear in mind that the franchise of the people was looked upon as something of importance by those who had left their native land, and others of them who, though divided from the mother country by distance, still felt pride in the thought

that they could exercise the privilege of free-born men.<sup>168</sup> The present proceedings were at Mr. V.'s own request, and the honor (sic) of that House, had been readily granted. He (Mr. V.) had his public situation to attend to, and stopped here as long as he liked and was the House to acquit him on that account? Did time do away with offences? Hon. Members sent there to advocate the interests of the people seem to forget wherefore they were in those comfortable seats. He then went on to recall to their recollection the time when they, hat in hand, had abounded with electioneering smiles and what, he would ask, would the yeomen, who glorified in their constitution, the pattern of the world, think of other days, if they were here now?<sup>169</sup> What would these men say, if Mr. Vansittart was allowed to go free, after being guilty, in his opinion, of an act of atrocity unheard of? Such a decision would not meet their confidence.<sup>170</sup> Mr. V. had ascertained his claim of descent from noble families of England; he (Mr. N.) cared not for nor wanted such men; he preferred the humble farmer<sup>171</sup>, tiller of the soil<sup>172</sup>, with his honest heart, one of God's noblest works<sup>173</sup>. (Hear, hear.)<sup>174</sup> He wanted not those who boasted of their deeds in the battle field or the Senate.<sup>175</sup> The hon. member for Hamilton, the other evening<sup>176</sup> had stated the intention of Ministers to shortly erect a monument to the memory of Lord Metcalfe. He (Mr. N.) would tell that House that they, the Ministers themselves, were Lord Metcalfe's living monument. (Hear, hear, and great laughter.)<sup>177</sup> They stood there to show the rock on which Lord Metcalfe split--(hear, hear, hear)--<sup>178</sup> a safer guard and a beacon to warn<sup>179</sup> all Governors in future,<sup>180</sup> of the dangers themselves had avoided.<sup>181</sup>

COL. PRINCE called Mr. N. to order<sup>182</sup>. It was a law of the House not to speak evil of living Governors, and he certainly thought the same law ought to apply to those who were dead.<sup>183</sup>

MR. MORIN, the SPEAKER said that it was not in order to speak disrespectfully of a present Governor, but those who were gone formed a matter of history, and might be alluded to.<sup>184</sup>

SIR A. MACNAB wished to know if Lord Metcalfe had anything to do with Mr. Vansittart's case?<sup>185</sup>

MR. NOTMAN, if in error, had been provoked into his last remarks by those of the hon. Member for Hamilton on a former occasion. He (Mr. N.) wished to draw the House's attention to the present state of the Government and to the gross attacks upon it at a time when the country was blest with tranquillity, not the apathy mentioned by the hon. Member for Essex.<sup>186</sup> The Liberal party had struggled long for what they now possessed. They had a Governor who knew his duty<sup>187</sup>; whom the country respected and beloved; many out of doors, and particularly the press, might assail him; but their shafts would fall harmless and unheeded against the shield that protected him for the justice of his cause, and the affections of the<sup>188</sup> happy and contented people.<sup>189</sup> He could, whatever had been said to the contrary, both forgive and forget; he wished the hon. Member for Hamilton had shown a similar position when the Ministry brought forward a bill granting a general amnesty.<sup>190</sup>

SIR A. MACNAB here interrupted him, stating that if the hon. Member was allowed to proceed in his remarks about his (Sir A.'s) not forgiving rebels he hoped he would be allowed to reply; but if the hon. Member was declared out of order, he (Sir A.) had nothing to say.<sup>191</sup>

MR. MORIN, the SPEAKER declared Mr. N. out of order.<sup>192</sup>



MR. NOTMAN then<sup>193</sup> apologised to the Speaker. The humble gentleman then said that he knew he spoke the feelings of 800 electors of Oxford, who considered their rights have been trampled on, and who, if they were placed in the gallery of the House, would evince their feelings and their wish that the House would exercise its authority, and punish the serious offence which had been committed against their political rights and privileges. The hon. gentleman then concluded by moving the following resolution:--

"That the House having heard the evidence adduced on the part of John George Vansittart, Esquire, in defence of his conduct as Returning Officer for the County of Oxford at the last General Election, adheres to its Resolution of the 21st March last, "That the said John George Vansittart, Esquire, having taken upon himself to return Peter Carroll, Esquire, as Member for the said County to serve in this present Parliament, contrary to the majority of votes received by him on the Poll Bookd in favour of the Hon. Francis Hincks," who ought "therefore to have been returned, acted illegally, in defiance of law, in manifest violation of the rights of the free-holders of the said County, and in breach of the privileges of this House."<sup>194</sup>

SIR A. MACNAB said, they had first to determine whether their privileges had been violated. The resolution contained at once both a judgment and a sentence, which ought to be entirely separate. (Referring to the law of Parliament to support his opinion.) Mr. Vansittart might have done wrong, but as to acting corruptly, &c., that was a very different matter. He<sup>195</sup> hoped the hon. member would leave the latter part of his motion for their consideration. If not, he (Sir Allan) would be compelled to divide the House on it.<sup>196</sup>

Upon this point a long and desultory discussion ensued, in which Messrs. BOULTON, PRINCE, H. SHERWOOD (Toronto), HINCKS and SCOTT (Bytown) took part.<sup>197</sup>

MR. WILSON admitted that by its resolution of last session, the House had declared Mr. Vansittart guilty of a breach of privilege, &c., but could they possibly now sanction such a judgment, after the evidence that had been laid before them. They had first to find what crimes he was guilty of, and then to pronounce sentence upon it.<sup>198</sup>

MR. H. SHERWOOD said he had understood that a solemn judgment had been passed on Mr. Vansittart on a former occasion, and therefore it was that, he thought, they were putting the cast before the House, in afterwards directing him to come here in order to make his defence. What, then was the object in passing all those resolutions? Evidently they amounted to a condemnation, and according to his views, a second judgment was altogether irregular. He (Mr. Sherwood) thought that the present proceedings were carried out in order to allow Mr. Vansittart an opportunity of offering some mitigation of his offence, and in order to see what amount of punishment should be inflicted upon him. It stood recorded on the journals of the House that Mr. Vansittart had been guilty of various offences, and therefore it appeared to him that the motion now before the House was altogether irregular, and altogether different from anything that he had been able to discover in the journals of the House of Commons.<sup>199</sup>

MR. H. BOULTON (Norfolk) believed that the previous proceedings would not have the effect attributed to them by the hon. member for Toronto. That hon. member had said that the House had first condemned Mr. Vansittart, and then called upon him to make his defence. He (Mr. Boulton) denied that such was the case. According to the previous resolutions--and if his memory did not fail him, the hon. member for Toronto did not make a single objection at the time they were passed--all were of the opinion of the House that Mr. Vansittart had committed a breach of duty. Well, then, what was the object of bringing him to the Bar? Not to prove that he had been guilty of a breach of privilege, because the House was perfectly convinced on the point, by the documents presented to the House by the gentleman himself. The House required no further evidence on that point. What they required was, that he should shew why he had acted in a manner the House condemned, in order that the House might be able to decide on the punishment to be awarded. He (Mr. Boulton) firmly believed that Mr. Vansittart's conduct was influenced by a corrupt motive; and he supported the resolution, because the conduct of the Returning Officer was a gross violation of the rights of the people of the whole of Western Canada, and a violation of the privileges of that House. He was therefore prepared to give him a mitigated punishment. In a parallel case, the Sheriff of Middlesex had been committed to Newgate. He (Mr. Boulton) did not propose to act with so much severity in the present case; but as Mr. Vansittart held the office of Clerk of the District Court--(No, no,)--so he had been informed by a member of the Government--besides other offices, he was prepared to deprive him of one of them, in order to hold up a warning to Returning Officers in all time to come. And he would say that he felt considerable regret that it was his duty to his constituents to come to this decision, with respect to an individual, concerning which he had no other feelings but those prompted by public duty, as it must affect Mr. Vansittart painfully in different points of view.<sup>200</sup>

SIR A. MACNAB insisted upon it, as a matter of justice to hon. members on his side of the House, that the motion should be divided into two parts. In the first place--according to the practice of the British House of Commons--the sense of the House ought to be taken as to whether Mr. Vansittart was guilty or not guilty, and then a resolution ought to be brought before the House, fixing the quantum of punishment to be inflicted upon him. If any precedent could be produced, showing that the present course was a correct one, he was convinced that it must have been of very ancient date. Regarding the statement made by the member for Norfolk, with respect to the offices held by Mr. Vansittart, he (Sir Allan Macnab) regretted that the hon. member had not obtained more accurate information, as the Hon. Inspector-General must have been his authority, and whom he supposed to be the virtual prosecutor in this case. ("No! No!")<sup>201</sup>

MR. INSP. GEN. HINCKS rose to offer an explanation on that subject. The resolution before the House was drawn up without his seeing it, or being acquainted with its contents. On seeing it in the hands of some of his hon. friends, he looked over it and enquired whether they were aware of the fact that Mr. Vansittart held the office already referred to, besides that of Inspector of Licenses. He stated so much in justice to himself, but he was strongly of opinion, in spite of the denial of hon. gentlemen opposite, that Mr. Vansittart did hold that office.<sup>202</sup>

MR. H. SMITH of Frontenac, and some other members of the opposition--



"No! No!"<sup>203</sup>

MR. INSP. GEN. HINCKS stated it from memory. If Mr. Vansittart did not hold the office at the present moment, he was confident that he held it very recently.<sup>204</sup>

MR. NOTMAN desired that the question should be put.<sup>205</sup>

SIR A. MACNAB said, that the House could order a complicated question to be divided. An (sic) individual members could require the division; but it had not been decided that he could enforce his objection. It was unfair to force the House to say either that Mr. Vansittart had not acted in opposition to the privileges of the House, or else to vote for the punishment. He was prepared to say that Mr. Vansittart had acted quite correctly; but he could not go so far as this motion went. The hon. member then read an authority to show the right of the House to have a motion containing separate propositions of a different character divided. Perhaps he should be answered--"There was a precedent" If so, he would like to know the date of that precedent.<sup>206</sup>

Here there was a long pause.<sup>207</sup>

SIR A. MACNAB.--It cannot have been within a hundred years?<sup>208</sup>

A voice--"It was in the eighteenth century."<sup>209</sup>

SIR A. MACNAB.--It was not in the nineteenth.--(Laughter.)<sup>210</sup>

MR. NOTMAN then withdrew the motion<sup>211</sup>.

(70)

*Mr. Notman moved, seconded by the Honorable Mr. Boulton, and the Question being proposed, That this House having heard the evidence adduced on the part of John George Vansittart, Esquire, in defence of his conduct as Returning Officer for the County of Oxford at the last General Election, adheres to its Resolution of the 21st March last, "That the said John George Vansittart, Esquire, having taken upon himself to return Peter Carroll, Esquire, as Member for the said County to serve in this present Parliament, contrary to the majority of votes received by him on the Poll Book in favor of the Honorable Francis Hincks, who ought therefore to have been returned, acted illegally, in defiance of law, in manifest violation of the rights of the freeholders of the said County, and in breach of the privileges of this House."*

*And a Debate arising thereupon;*

COL. PRINCE approached this subject after much deliberating given to it by him as a Judge<sup>212</sup> ((and)) expressed his determination to vote in the negative on this motion.<sup>213</sup> The hon. member for Middlesex has said that the trouble and expense entailed upon the House by it, were about to be brought to a close.<sup>214</sup> He was glad to hear the hon. member ... congratulate the House on its approach to the conclusion of this affair, and he congratulated the country also, because he hoped it would appear that Mr. Vansittart had been tried by a tribunal, which, after having heard him, was willing to do him justice, whatever their first prejudice might have been against him. But he could not congratulate the House nor the County of Middlesex on the fact, that an Advocate appeared<sup>215</sup> in a judicial capacity<sup>216</sup> where there should have been a Judge.<sup>217</sup> He contended that if Mr. Vansittart was wrong,

his conduct was unintentional--but he as a Lawyer, denied the guilt of that individual in any way. He dwelt with much force upon the excitement of political struggles and elections, more especially that of Oxford, and of the great allowance to be made for the state of the feelings of all parties on these occasions.<sup>218</sup> He could make all allowance for party feeling, remembering that humanum est errare; but he believed every unprejudiced man would admit that the hon. member had exhibited a manner unfit for a Judge.<sup>219</sup> What had been the words of the hon. member for Middlesex himself upon Mr. V.'s conduct, it had been styled an "egregious mistake";<sup>220</sup> If ... so, was he to be punished as for a crime?<sup>221</sup> Now he denied that a mistake could be blamed as a crime, a proof of corruption and breach of privilege,--such a doctrine was dangerous and unjustifiable.<sup>222</sup> The hon. gentleman had begun his remarks by stigmatizing Mr. Vansittart, and certain members of the House, among the rest, the hon. member for Essex. He (Col. Prince), however, was still of the same mind as he was when he made the observations complained of.<sup>223</sup> He did not eat his words and repeated that<sup>224</sup> he still thought it tyrannical, improper, and wrong, in every sense of the word, to pass a resolution, that Mr. Vansittart had acted in violation of the law, and contravention of the rights of the electors. It was tyrannical to carry a resolution by the mere vote of a majority, when no evidence had been heard for the defence. It was true, however, that, at Mr. Vansittart's earnest request, time had been afforded to prepare the defence. That was the redeeming portion of the act of the House, though, at the same time, it had refused--which was very unusual--to allow counsel to the accused. He (Col. Prince) had hoped that the hon. member for Middlesex would have touched on that defence. But nothing of the sort had been done. All the expense, and time, and trouble of making it had been wasted--altogether thrown overboard by the Judges, who were to decide according to the evidence. He never heard of any courts where decisions were got at by thus neglecting all the testimony in favour of the accused. Practised lawyer as he was, his hon. friend from Middlesex had quite overlooked all that; and he had overlooked it, just because he was a practised lawyer. Had he not done so, he must have been forced to admit, that there was sufficient to satisfy the House that Mr. Vansittart had not acted corruptly, though he might certainly have done wrong erroneously. At the election the Hon. F. Hincks was one of the candidates. The Hon. F. Hincks was in the country on the day of the nomination; but he did not think proper to attend before the electors. No doubt when he came to address the House, that hon. gentleman would give a very good reason for his conduct; in the meantime, it must be held somewhat singular, that a gentleman who aspired to represent such a constituency should have merely sent his agent (Mr. Brown) to attend for him. But leaving that point, he would proceed to remind the House that a law was passed in the 4 and 5 Vic., which provided that in case a candidate be prevented by illness or other unavoidable cause from attending the election, it should be lawful to send by an agent a declaration of his qualification with a description of the property in respect of which he was qualified. It was his duty, as a Judge, to represent these facts to his brother Judges, in order that they might consider if Mr. Vansittart had probable cause for the course he pursued. The declaration of qualification handed in was good only if illness prevented the candidate from attending; and it was on this ground that he (Col. Prince) stood alone on the Grenville Committee in his opinion that Mr. Vansittart did right. He said so still. Mr. Hincks' qualification was good for nothing unless he assigned some good reason for not attending personally. Mr.



Hincks himself was so convinced of the illegality of his qualification according to the statute which made sickness or other cause the condition precedent of such a presentation of qualification, that he himself sent up a second qualification, which was as informal as the first, for it contained no description of the property. But both qualifications came from a person who professed to be a candidate. A candidate for what? For Oxford? Why, when it was signed, the representation was filled: Parliament was not dissolved; how, then could he be called a candidate? Would it be sufficient for him (Col. Prince) to send up to Kent a qualification dated that day, in case he aspired to represent that county, although perhaps the Parliament would last (as he hoped it would not) for the next three years. Yet if three months before the election were good, why not three years also? What was it to be a candidate? Must there not be a vacant place to contend for? Could he enter his blood horse for a cup, when no cup was advertized nor in existence? But in this case there was no vacancy. Therefore Mr. Hincks could be no candidate. Therefore his qualification was properly refused. But he would perhaps be told that Mr. Vansittart should have rejected this qualification from the first. That would be too paltry a plea, if, as he hoped it would not be, it were urged. It was shown in evidence that Mr. Vansittart was in hourly expectation that another qualification would be forwarded and if it had arrived with a proper excuse for Mr. Hincks' absence doubtless the Inspector-General would have been seated, and Mr. Vansittart saved from the position in which he now found himself.<sup>225</sup> Such is the way in which people sometimes get rewarded for doing an act of kindness, and God knows how Mr. H. and his friends had repaid Mr. V. for his kindness in this instance.<sup>226</sup> He had acted not out of kindness in receiving votes--kindness towards the Inspector-General, for which he, doubtless, had a sincere affection which, there was as little doubt, was cordially reciprocated. In taking votes, he had acted wrongly, but again humanum est errare. However, another crime alleged against Mr. Vansittart was, that he was a Conservative--perhaps a Tory. He thought Mr. Vansittart very far from being a Tory; but he was at liberty at any rate to have what opinion he pleased. Col. Whitehead had told the House, that the instructions given to him, as Deputy Returning Officer, construed the Alien Act so liberally, that he, as Deputy Returning Officer, could not reconcile them with his own opinion;--yet aliens generally voted for the Reform party. But he would now examine the evidence.<sup>227</sup> The hon. Member for Middlesex ... had not seen fit to touch upon the evidence of that defence; he seemed to consider all the time, and expense that had been occasioned thereby, both to Mr. V. himself and the House, as merely waste of wind; it was thrown overboard by him as unworthy of notice.<sup>228</sup> He remembered when Mr. Brown was examined at the Bar, that he (Col. Prince) received a long lecture from the hon. member for Middlesex, because he dealt too harshly with the merits or demerits--he hardly knew which, for Mr. Brown had both--of that gentleman. In the ultima thule of Canada, backwoodsmen like himself, had few opportunities of associating with gentlemen so refined as the hon. member for Middlesex; he confessed, too, that he sometimes forgot himself, and afterwards repented of what he had said; he did not, however, think that he had much to repent of in his remarks on Mr. Brown.<sup>229</sup> Col. Prince was somewhat witty at the expense of the "Fraternity in those boxes," (pointing to the reporters' galleries,) what had attacked his conduct respecting this matter last session. He was proceeding with some other remarks, when ((he was interrupted by Mr. Insp. Gen. Hincks.))<sup>230</sup>

MR. INSP. GEN. HINCKS ... requested the hon. member to allow him the few minutes which remained before six o'clock to get through some routine business.<sup>231</sup>

(70)

*On motion of the Honorable Mr. Hincks, seconded by Mr. Cauchon,*

*Ordered, That the Debate be adjourned until Thursday next, and be then the first Order of the day.*

*Supply.*

*The Order of the day for the House to resolve itself a Committee to consider of the Motion made, on Friday last, That a Supply be granted to Her Majesty, being read;*

*The House accordingly resolved itself into the Committee.*

*Mr. Sauvageau took the Chair of the Committee; and after some time therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Sauvageau reported, That the Committee had come to a Resolution.*

*Ordered, That the Report be received on Thursday next.*

*And at six o'clock, P. M. pursuant to Order, the House was adjourned by Mr. Speaker, without a Question first put, till Thursday next.*



APPENDIX: 6 FEBRUARY 1849.

((NOTICE OF ADDRESS RE: CORRESPONDENCE ABOUT DISMISSAL OF MESSRS. FERRES, STUART AND A.B. PAPINEAU.))

M. CHRISTIE.--Je donne avis que je ferai motion qu'une humble adresse soit présentée à Son Excellence pour lui demander copie de toutes les correspondances au sujet des destitutions de M. Ferres, Stuart et A.B. Papineau.<sup>232</sup>

((QUESTION AND ANSWER RE: BRIDGING LAKE CHAMPLAIN.))<sup>233</sup>

MR. HOLMES ((asked a question.))<sup>234</sup>

It was stated that the Imperial Government had had its attention called to the scheme for bridging Lake Champlain, and had directed the Ambassador at Washington to take the necessary steps to prevent it from being carried into execution. Before the bridge could be built, it would be necessary to obtain the consent of Vermont and New York, and afterwards the general Government of the United States.<sup>235</sup>

MR. HOLMES remarked that a number of gentlemen believed they could immediately obtain the money to commence a canal from the St. Lawrence to the Lake. They were desirous to obtain an act to enable them to do so; but if this bridge were built, it would be a great obstacle to the success of their work.<sup>236</sup>

((QUESTION AND ANSWER RE: ROADS IN THE WESTERN DISTRICT.))<sup>237</sup>

COL. PRINCE ((enquired)) respecting certain roads in the London and Western Districts.<sup>238</sup>

MR. ASS. COM. P. W. CAMERON said, that in the present state of the finances, Government were not prepared to make any appropriation for roads in the London and Western Districts.<sup>239</sup>

FOOTNOTES: 6 FEBRUARY 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 7 February 1849; L'AVENIR, 17 February 1849; LE JOURNAL DE QUEBEC, 10 February 1849; PILOT, 7 February 1849, copied by BRITISH WHIG, 8, 10 February 1849, GLOBE, 14 February 1849, BROCKVILLE RECORDER, 8 February 1849, MORNING CHRONICLE, 9 February 1849, BRITISH COLONIST, 9 February 1849, PACKET, 10 February 1849, BATHURST COURIER, 16 February 1849, and PRINCE EDWARD GAZETTE, 16 February 1849, in identical accounts.
2. PILOT, 7 February 1849.
3. MONTREAL GAZETTE, 7 February 1849.
4. IBID.
5. IBID.
6. IBID.
7. The debate on this matter was reported by: L'AVENIR, 17 February 1849; LA MINERVE, 8 February 1849; LE JOURNAL DE QUEBEC, 10 February 1849; BROCKVILLE RECORDER, 8 February 1849; PILOT, 7 February 1849, copied by BRITISH WHIG, 10 February 1849, GLOBE, 14 February 1849, and BROCKVILLE RECORDER, 15 February 1849, in identical accounts; MONTREAL GAZETTE, 7 February 1849, HAMILTON SPECTATOR, 14 February 1849, and STANSTEAD JOURNAL, 15 February 1849, in identical accounts, except that the STANSTEAD JOURNAL omitted a number of speeches. Commentaries may be found in LE JOURNAL DE QUEBEC, 30 January, 8, 10 February 1849. Whenever extracts are taken from the identical accounts in MONTREAL GAZETTE and HAMILTON SPECTATOR, the HAMILTON SPECTATOR will be reproduced as the MONTREAL GAZETTE is quite difficult to read.
8. HAMILTON SPECTATOR, 14 February 1849.
9. IBID.
10. The MONTREAL GAZETTE, 7 February 1849, and HAMILTON SPECTATOR, 14 February 1849, incorrectly attributed this speech to Mr. Laurin.
11. PILOT, 7 February 1849.
12. HAMILTON SPECTATOR, 14 February 1849.
13. IBID.
14. PILOT, 7 February 1849.
15. HAMILTON SPECTATOR, 14 February 1849.
16. PILOT, 7 February 1849.
17. HAMILTON SPECTATOR, 14 February 1849.
18. PILOT, 7 February 1849.
19. HAMILTON SPECTATOR, 14 February 1849.
20. PILOT, 7 February 1849.
21. HAMILTON SPECTATOR, 14 February 1849.
22. PILOT, 7 February 1849.
23. IBID.
24. HAMILTON SPECTATOR, 14 February 1849.
25. PILOT, 7 February 1849.
26. HAMILTON SPECTATOR, 14 February 1849.
27. PILOT, 7 February 1849.
28. HAMILTON SPECTATOR, 14 February 1849.
29. L'AVENIR, 17 February 1849.
30. PILOT, 7 February 1849.
31. HAMILTON SPECTATOR, 14 February 1849.
32. PILOT, 7 February 1849.
33. L'AVENIR, 17 February 1849.



34. IBID.
35. PILOT, 7 February 1849.
36. L'AVENIR, 17 February 1849.
37. PILOT, 7 February 1849.
38. L'AVENIR, 17 February 1849.
39. PILOT, 7 February 1849.
40. L'AVENIR, 17 February 1849.
41. PILOT, 7 February 1849.
42. L'AVENIR, 17 February 1849.
43. HAMILTON SPECTATOR, 14 February 1849.
44. PILOT, 7 February 1849.
45. HAMILTON SPECTATOR, 14 February 1849.
46. L'AVENIR, 17 February 1849.
47. IBID.
48. PILOT, 7 February 1849.
49. L'AVENIR, 17 February 1849.
50. PILOT, 7 February 1849.
51. L'AVENIR, 17 February 1849.
52. PILOT, 7 February 1849.
53. L'AVENIR, 17 February 1849.
54. PILOT, 7 February 1849.
55. L'AVENIR, 17 February 1849.
56. PILOT, 7 February 1849.
57. L'AVENIR, 17 February 1849.
58. PILOT, 7 February 1849.
59. L'AVENIR, 17 February 1849.
60. PILOT, 7 February 1849.
61. L'AVENIR, 17 February 1849.
62. PILOT, 7 February 1849.
63. HAMILTON SPECTATOR, 14 February 1849.
64. PILOT, 7 February 1849.
65. HAMILTON SPECTATOR, 14 February 1849.
66. PILOT, 7 February 1849.
67. HAMILTON SPECTATOR, 14 February 1849.
68. PILOT, 7 February 1849.
69. HAMILTON SPECTATOR, 14 February 1849.
70. PILOT, 7 February 1849.
71. HAMILTON SPECTATOR, 14 February 1849.
72. PILOT, 7 February 1849.
73. HAMILTON SPECTATOR, 14 February 1849.
74. PILOT, 7 February 1849.
75. HAMILTON SPECTATOR, 14 February 1849.
76. PILOT, 7 February 1849.
77. IBID.
78. IBID.
79. HAMILTON SPECTATOR, 14 February 1849.
80. PILOT, 7 February 1849.
81. HAMILTON SPECTATOR, 14 February 1849.
82. PILOT, 7 February 1849.
83. IBID.
84. IBID.
85. HAMILTON SPECTATOR, 14 February 1849.
86. PILOT, 7 February 1849.
87. IBID.

88. IBID.
89. IBID.
90. HAMILTON SPECTATOR, 14 February 1849.
91. PILOT, 7 February 1849.
92. IBID.
93. HAMILTON SPECTATOR, 14 February 1849.
94. PILOT, 7 February 1849.
95. HAMILTON SPECTATOR, 14 February 1849.
96. PILOT, 7 February 1849.
97. HAMILTON SPECTATOR, 14 February 1849.
98. PILOT, 7 February 1849.
99. HAMILTON SPECTATOR, 14 February 1849.
100. IBID.
101. IBID.
102. IBID.
103. The debate on this matter was reported by: MONTREAL GAZETTE, 7 February 1849; L'AVENIR, 17 February 1849; PILOT, 7 February 1849, and GLOBE, 14 February 1849, in identical accounts.
104. PILOT, 7 February 1849.
105. MONTREAL GAZETTE, 7 February 1849.
106. PILOT, 7 February 1849.
107. MONTREAL GAZETTE, 7 February 1849.
108. PILOT, 7 February 1849.
109. MONTREAL GAZETTE, 7 February 1849.
110. PILOT, 7 February 1849.
111. MONTREAL GAZETTE, 7 February 1849.
112. PILOT, 7 February 1849.
113. MONTREAL GAZETTE, 7 February 1849.
114. PILOT, 7 February 1849.
115. MONTREAL GAZETTE, 7 February 1849.
116. PILOT, 7 February 1849.
117. MONTREAL GAZETTE, 7 February 1849.
118. PILOT, 7 February 1849.
119. MONTREAL GAZETTE, 7 February 1849.
120. PILOT, 7 February 1849.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. MONTREAL GAZETTE, 7 February 1849.
126. PILOT, 7 February 1849.
127. MONTREAL GAZETTE, 7 February 1849.
128. PILOT, 7 February 1849.
129. MONTREAL GAZETTE, 7 February 1849.
130. PILOT, 7 February 1849.
131. MONTREAL GAZETTE, 7 February 1849.
132. PILOT, 7 February 1849.
133. MONTREAL GAZETTE, 7 February 1849.
134. PILOT, 7 February 1849.
135. MONTREAL GAZETTE, 7 February 1849.
136. PILOT, 7 February 1849.
137. MONTREAL GAZETTE, 7 February 1849.
138. PILOT, 7 February 1849.



139. MONTREAL GAZETTE, 7 February 1849.
140. PILOT, 7 February 1849.
141. MONTREAL GAZETTE, 7 February 1849.
142. PILOT, 7 February 1849.
143. MONTREAL GAZETTE, 7 February 1849.
144. PILOT, 7 February 1849.
145. MONTREAL GAZETTE, 7 February 1849.
146. PILOT, 7 February 1849.
147. MONTREAL GAZETTE, 7 February 1849.
148. PILOT, 7 February 1849.
149. MONTREAL GAZETTE, 7 February 1849.
150. PILOT, 7 February 1849.
151. MONTREAL GAZETTE, 7 February 1849.
152. PILOT, 7 February 1849.
153. MONTREAL GAZETTE, 7 February 1849.
154. PILOT, 7 February 1849.
155. MONTREAL GAZETTE, 7 February 1849.
156. PILOT, 7 February 1849.
157. MONTREAL GAZETTE, 7 February 1849.
158. PILOT, 7 February 1849.
159. MONTREAL GAZETTE, 7 February 1849.
160. PILOT, 7 February 1849.
161. MONTREAL GAZETTE, 7 February 1849.
162. PILOT, 7 February 1849.
163. MONTREAL GAZETTE, 7 February 1849.
164. PILOT, 7 February 1849.
165. MONTREAL GAZETTE, 7 February 1849.
166. PILOT, 7 February 1849.
167. MONTREAL GAZETTE, 7 February 1849.
168. PILOT, 7 February 1849.
169. MONTREAL GAZETTE, 7 February 1849.
170. PILOT, 7 February 1849.
171. MONTREAL GAZETTE, 7 February 1849.
172. PILOT, 7 February 1849.
173. MONTREAL GAZETTE, 7 February 1849.
174. PILOT, 7 February 1849.
175. MONTREAL GAZETTE, 7 February 1849.
176. PILOT, 7 February 1849.
177. MONTREAL GAZETTE, 7 February 1849.
178. PILOT, 7 February 1849.
179. MONTREAL GAZETTE, 7 February 1849.
180. PILOT, 7 February 1849.
181. MONTREAL GAZETTE, 7 February 1849.
182. IBID.
183. PILOT, 7 February 1849.
184. IBID.
185. IBID.
186. MONTREAL GAZETTE, 7 February 1849.
187. PILOT, 7 February 1849.
188. MONTREAL GAZETTE, 7 February 1849.
189. PILOT, 7 February 1849.
190. MONTREAL GAZETTE, 7 February 1849.
191. IBID.

192. IBID.
193. IBID.
194. PILOT, 7 February 1849.
195. MONTREAL GAZETTE, 7 February 1849.
196. PILOT, 7 February 1849.
197. MONTREAL GAZETTE, 7 February 1849.
198. IBID.
199. PILOT, 7 February 1849.
200. IBID.
201. IBID.
202. IBID.
203. IBID.
204. IBID.
205. IBID.
206. IBID.
207. IBID.
208. IBID.
209. IBID.
210. IBID.
211. IBID.
212. MONTREAL GAZETTE, 7 February 1849.
213. PILOT, 7 February 1849.
214. MONTREAL GAZETTE, 7 February 1849.
215. PILOT, 7 February 1849.
216. MONTREAL GAZETTE, 7 February 1849.
217. PILOT, 7 February 1849.
218. MONTREAL GAZETTE, 7 February 1849.
219. PILOT, 7 February 1849.
220. MONTREAL GAZETTE, 7 February 1849.
221. PILOT, 7 February 1849.
222. MONTREAL GAZETTE, 7 February 1849.
223. PILOT, 7 February 1849.
224. MONTREAL GAZETTE, 7 February 1849.
225. PILOT, 7 February 1849.
226. MONTREAL GAZETTE, 7 February 1849.
227. PILOT, 7 February 1849.
228. MONTREAL GAZETTE, 7 February 1849.
229. PILOT, 7 February 1849.
230. MONTREAL GAZETTE, 7 February 1849.
231. PILOT, 7 February 1849.
232. L'AVENIR, 17 February 1849.
233. The debate on this matter was reported by: LA MINERVE, 8 February 1849; L'AVENIR, 17 February 1849; and PILOT, 7 February 1849, GLOBE, 14 February 1849, BROCKVILLE RECORDER, 8 February 1849, MORNING CHRONICLE, 9 February 1849, BRITISH COLONIST, 9 February 1849, PACKET, 10 February 1849, BATHURST COURIER, 16 February 1849, and PRINCE EDWARD GAZETTE, 16 February 1849, in identical accounts. MONTREAL GAZETTE, 7 February 1849, noted the debate.
234. PILOT, 7 February 1849.
235. IBID.
236. IBID.
237. The debate on this matter was reported by: PILOT, 7 February 1849, copied by BRITISH WHIG, 8 and 10 February 1849, GLOBE, 14 February 1849, BROCKVILLE RECORDER, 8 February 1849, MORNING CHRONICLE, 9 February 1849,



BRITISH COLONIST, 9 February 1849, PACKET, 10 February 1849, BATHURST COURIER, 16 February 1849, and PRINCE EDWARD GAZETTE, 16 February 1849, in identical accounts; and MONTREAL GAZETTE, 7 February 1849.

238. MONTREAL GAZETTE, 7 February 1849.

239. PILOT, 7 February 1849.

THURSDAY, 8 FEBRUARY 1849.

(70)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Thompson,--The Petition of Robert Griffith and others, of the Township of Cayuga, County of Haldimand; and the Petition of the Municipal Council of the District of Niagara (Census).

By Mr. Marquis,--The Petition of Augustin Martineau and others, of the County of Kamouraska; and the Petition of the Reverend L. A. Bourret and others, of Ste. Anne La Pocatière and the Township of Ixworth.

By Mr. Polette,--The Petition of Theophilus Rickaby and others, of the Town of Three Rivers.

By the Honorable Mr. Cameron, of Kent,--The Petition of Richard E. Vidal, Esquire, of Port Sarnia; the Petition of J. R. Freeman and others, of the Town of Chatham; the Petition of George Hyde and others, of the northern Townships of the County of Kent; and the Petition of Messieurs Hamilton and Thomson, and others engaged in the Timber Trade of Canada.

By Mr. Wetenhall,--The Petition of John Vansickle and others, of the Township of Beverly, District of Gore; and the Petition of W. Miller and others, of the Township of West Flamborough, District of Gore.

By the Honorable Mr. Macdonald,--The Petition of the Right Reverend Patrick Phelan, Bishop of Carrhae, and Administrator of the Diocese of Kingston, and others, Catholics of Upper Canada.

By Mr. M'Farland,--The Petition of Abraham Schooley and others, of the District of Niagara.

By Mr. Lemieux,--The Petition of the Reverend Louis Polin and others, of the Parish of St. Isidore, County of Dorchester; the Petition Siméon Larochelle and others, of the Parish of St. Anselme, County of Dorchester; and the Petition of Amable Paré and others, of the Parish

(71)

of St. Isidore de Lauzon, County of Dorchester.

By Mr. Cauchon,--The Petition of the Very Reverend A. Mailloux and others, of the Parish of St. Charles, County of Bellechasse; the Petition of the Reverend J. Asselin and others, of the Parish of L'Ange Gardien, County of Montmorency; and the Petition of the Reverend E. Payment and others of the Parish of Charlesbourg, County of Quebec.

By the Honorable Mr. Attorney General Baldwin,--The Petition of James Sampson and others, inhabitants of Lot No. 24, first Concession of Kingston.

By Sir Allan N. MacNab,--The Petition of John Young and others, of the City of Hamilton; and the Petition of the City Council of the City of Hamilton.

By Mr. Richards,--The Petition of John F. Wilson and James Gardiner, on behalf of the Bay of Quinté Annual Conference of the Methodist Episcopal Church in Canada.

Petitions read.

Pursuant to the Orders of the day, the following Petitions were read:--

Of the City of Toronto and Lake Huron Railroad Company; praying for certain amendments to the Act 10 Vic. relating to the said Company, and that the time allowed them for the completion of the said Railroad be extended.



Of the Municipal Council of the Western District; praying for the establishment of Township Municipalities.

Of the Municipal Council of the Western District; praying for the passing of an Act to enable Assessors to verify their Rolls before any Magistrate in the District.

Of the Municipal Council of the Western District; praying for certain amendments to the Act setting apart the new District of Kent.

Of Simon Fraser, Esquire, and others, of Bytown; praying that no alteration be made in the Act incorporating the said Town.

Of Edward Wright and others, of the City of Toronto; praying certain amendments to the Act incorporating the said City.

Of the Municipal Council of the Home District; of James Anond and others, of the Township of Scott; and of Joseph Gould and others, of the Township of Uxbridge; praying that no division be made of the said District.

Of Etienne Langlois and others; praying indemnification for losses sustained by them during the Troubles of 1837 and 1838.

Of the Reverend P. J. Bedard and others, Missionaries in the Townships; praying for a grant of 200 acres of land in each Township for the support of a Missionary therein.

Of W. B. Wrong and others, of the Districts of London, Talbot, and Brock; praying for the passing of an Act to incorporate certain persons as the "President, Directors, and Company of the Port Burwell Harbour," and that the property, lands, and appurtenances of that Harbour be granted to the said Company.

Of William Simpson and Abel R. Ward, of the Village of Smith's Falls; praying that the Act 10 & 11 Vic. c. 53, relating to the boundary line between the 4th Concession of Montague and North Elmsley be modified or repealed.

Of John L. Read and others; praying for the passing of an Act to incorporate certain persons as the Maitland and Merrickville Road Company."

Of Thomas Kelly and others, the Roman Catholic Clergy and others, of the Parish of Prescott; praying that such provision be made for the College of Regiopolis as will place it upon a secure and permanent footing.

Of Jeremiah Cowan and others, of the Township of Blenheim, District of Brock; praying that no alteration be made in the existing relations of the said Township by the formation of any new District.

Of H. LeMesurier, Esquire, Vice-President, on behalf of the Board of Trade of Quebec; praying aid for the construction of a Railroad leading from Quebec to the western extremity of the Province.

Of H. LeMesurier, Esquire, Vice-President, on behalf of the Board of Trade of Quebec; praying certain amendments to the Bankrupt Law.

Of N. Hardy and others, of the County of Portneuf; complaining of the evils resulting from the Seigniorial Tenure of Lands, and praying relief.

Of P. Forgues and others, of the Parish of St. Michel; praying that the evils arising from licensed Taverns may be remedied by substituting Temperance Houses in their places.

Of James Evans and others, of the Protestant Teachers of the City of Quebec; complaining that they have not been paid the Government allowance for their Schools since 1846, and praying relief.

Of the Municipal Council of the County of Portneuf; praying for the repeal of the present Municipal Council Act, and for the re-establishment of Parish Municipalities.

Of W. G. Cook and others, Trustees of the Charleston Academy; praying for aid.

Of the Reverend B. Honorat and others, of Saguenay; praying for the adoption of certain measures to keep open the Road leading to the St. Lawrence.

Of William Downing, Esquire, and others, of the Township of Hungerford, District of Victoria; praying for the passing of an Act to establish certain boundary lines in the said Township.

Of J. B. Branchaud and others, of Montreal; praying for a certain amendment to the Ordinance 3 & 4 Vic. c. 31, with reference to the payment of Tolls on the Turnpike Roads in the vicinity of Montreal.

Of M. A. Primeau and A. A. Trottier, of Ste. Martine, County of Beauharnois, praying to be authorized to construct a Bridge over the River Chateauguay, and to make certain Plank Roads in connection therewith.

Of Henry S. Larned, formerly of Chatham in the Western District, now of the City of Buffalo in the United States; representing the loss he has sustained as Contractor with the Board of Works for the construction of the Chatham, Amberstburgh, and Sandwich Roads,--and that in consequence of the said loss he has been obliged to leave the Province, and praying relief.

Of the Reverend William Ritchie and others, of the County of Essex, and others; praying for the renewal of the Charter of the Niagara and Detroit Rivers Railroad Company.

Of William Stewart and others, of the Township of Nepean, District of Dalhousie; praying for the passing of an Act to settle the manner of surveying certain lettered Concessions in the said Township.

Of James Vollar, a Messenger of the Legislative Assembly; praying for a Pension or retired allowance.

Of Messieurs Hope, Birrell and Company, and others, of the District of London; praying that measures be immediately adopted to render the Port Stanley Harbour safe and commodious for all classes of vessels navigating Lake Erie.

Of H. G. Hobbin and others, of the Town of Dundas; praying for the passing of an Act to incorporate the Independent Order of Odd Fellows.

Of George Southwick and others, stockholders in the Niagara and Detroit Rivers Railroad Company.

Of O. E. Casgrain, Esquire, and others, of the lower part of the County of L'Islet; praying for the removal of the Registry Office of the said County from the Parish of St. Thomas to the Parish of L'Islet.

(72)

Of the Reverend F. X. Delage and others, of the Parish of L'Islet; praying aid for the construction of a wharf at the landing place in the said Parish.

Of John Clark, President, on behalf of the Niagara District Agricultural Society; praying a certain alteration in the manner of apportioning the money granted for the encouragement of Agricultural Societies.

Of James Whiteford, Esquire, and others, Members of the Board of Police of the Town of Belleville; praying for an extension of the limits of the said Town.

Of B. H. Lemoine and A. M. Delisle, Esquires; praying that the Trustees of the Montreal Turnpike Roads be authorized by law to open Papineau Road as far as Sault au Recollet.

Of John Grubb, of the Township of Etobicoke, Esquire, President of the Weston Road Company; praying for certain amendments to the Act of Incorporation of the said Company.



Of Robert E. Burns, Esquire, and others; praying to be incorporated as a Fire, Life and Marine Assurance Company.

Of Benjamin Bowerman and others; praying to be incorporated as the Markham and Elgin Mills Plank Road Company.

Of the Municipal Council of the District of Niagara; praying that the laws for the guidance of Surveyors of Land in the discharge of their duties be so amended as to render them more effective in their operation.

Of the Municipal Council of the District of Niagara; praying that the Municipal Councils may be authorized to hold lands for burial grounds.

Of John B. Warren and others, of Whitby and other Townships, in the Home District; praying that the said Townships may be set apart as a separate District.

Of Henry Cole and others, of Scugog Island; praying that the said Island may be formed into a separate Township, and that a certain part of the Township of Cartwright may be attached to the Township of Mariposa.

Of the Great Western Railroad Company; praying for the passing of an Act to abolish the Corresponding Committee (in England) of the said Company, and to repeal certain extraordinary powers.

Of the Great Western Railroad Company; praying for public provincial aid to secure the completion of the said Railroad.

Of the Great Western Railroad Company; praying that the Charter of the Niagara and Detroit Rivers Railroad Company be not revived.

#### Waterloo Election.

Mr. Watts, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Waterloo, presented to the House the final Report of the said Committee; which was read, as followeth:--

Resolved, That at the last Election held for the County of Waterloo, 1,409 votes were polled and recorded for James Webster, Esquire, and 1,107 for Adam Johnston Fergusson, Esquire, and that thereupon the said James Webster was, by Alexander Dingwall Fordyce, Esquire, the Returning Officer, proclaimed as being duly elected.

Resolved, That of 688 votes polled for Mr. Webster in the Townships of Bentinck, Glenelg, Holland, Sullivan, Normanby, Egremont, and Arthur, in the said County, 165 only were valid,--the remaining 523 voted recorded for Mr. Webster were invalid; the parties tendering the votes declared invalid had no title to the property upon which they proposed to vote, and this fact in sixty nine instances appears on the face of the Poll Books.

Resolved, That the Petition, Adam Johnston Fergusson, Esquire, having a majority of legal votes on the Poll Books at the last Election for the County of Waterloo, was duly elected.

Resolved, That the facts connected with the last Election for the County of Waterloo, especially the conduct of the Deputy Returning Officers for the Townships of Waterloo, Holland, Sullivan, and Arthur, are such as demand the serious consideration of the House.

Resolved, That the Petition of Adam Johnston Fergusson, Esquire, is not frivolous or vexatious.

Resolved, That the defence of the sitting Member is not frivolous or vexatious.

On motion of Mr. Notman, seconded by Mr. Wetenhall,

Ordered, That the Clerk of the Crown in Chancery do attend this House forthwith with the last Return for the County of Waterloo, and amend the same, by erasing the name of "James Webster, Esquire," and inserting the name of Adam Johnston Fergusson, Esquire."

The Clerk of the Crown in the Chancery attended according to Order, and amended the Return for the County of Waterloo.

Mr. Fergusson  
takes his seat.

Adam Johnston Fergusson, Esquire, Member for the County of Waterloo, having previously taken the oath according to law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

MR. NOTMAN alluded to the conduct of the four Deputy Returning Officers at the late election for Waterloo, as shown in the proceedings of the Committee appointed to try the merits of the contested election. It showed such extraordinary acts on the part of those officers, as to demand the strictest scrutiny of the House; and he felt it his duty to move that the Speaker do issue his warrant compelling their attendance at the bar on 12th March next.<sup>1</sup>

(72)

On motion of Mr. Notman, seconded by Mr. Wetenhall,

Waterloo  
Election.

Resolved, That the Select Committee appointed to try the merits of the Controverted Election for the County of Waterloo having reported to this House, that the facts connected with the last Election for the said County, and especially the conduct of the Deputy Returning Officers for the Townships of Waterloo, Holland, Sullivan, and Arthur, were such as to demand the serious consideration of this House, Mr. Speaker do issue his summons to James Wilson, late Deputy Returning Officer for the said Township of Waterloo; John Miller, late Deputy Returning Officer for the said Township of Holland; Richard Jones Williams, late Deputy Returning Officer for the said Township of Sullivan; and John M'Intosh, late Deputy Returning Officer for the said Township of Arthur, in the said County, respectively to appear at the bar of this House, on Monday, the 12th day of March next, each severally to answer for his conduct as such Deputy Returning Officer at the said Election; and that the said summonses be transmitted to John George Grange, Esquire, Sheriff of the Wellington District, for service on the said late Deputy Returning Officers respectively.

W. Morrison.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 14th July, 1847, praying that His Excellency would be pleased to cause to be laid before the House, the amount of salary, fees, per centage, travelling expenses, and other income received by William Morrison, Esquire, in his capacity of Crown Land Agent.

Appendix (D.D.)

For the said Return, see Appendix (D.D.)

Correspondence  
between Govern-  
ment and Mr.  
Crémazie.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative



(73)

Assembly to His Excellency the Governor General, bearing date the 14th July, 1847, praying that His Excellency would be pleased to cause to be laid before the House, copies of all correspondence and communications which may have taken place between the Government and Jacques Crémazie, Esquire, Advocate, formerly Superintendent of the Registry Offices of the Districts of Quebec and Gaspé, on the subject of the holding of the office of Registrar of the former Municipal District of Dorchester by Edward Bowen, Esquire, now Judge of the District of Gaspé.

Appendix (E.E.)

For the said Return, see Appendix (E.E.)

Sheriffs of Montreal.

And also, Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 23d January last, praying him to be pleased to cause to be laid before the House, a Statement, in detail, of the income derived by the Sheriffs of the District of Montreal, in virtue of their office; distinguishing the several sources thereof, and specifying the amount of public monies in their hands, together with the profit in the shape of interest, or otherwise, derived by them for the last five years.

Appendix (F.F.)

For the said Return, see Appendix (F.F.)

Petition of G. B. de Boucherville;

Resolved, That that part of the Petition of George B. de Boucherville, of Montreal, Esquire, praying the House to allow him to exhibit to them a machine invented by him for the production of a self-renewing motive force, be referred to a Select Committee composed of Mr. Egan, Mr. Scott, of Bytown, Mr. Scott, of Two Mountains, Mr. Sauvageau, Mr. Chauveau, the Honorable Mr. Laterrière, Mr. Flint, Mr. Laurin, and Mr. Cauchon, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Of J. Molson and others;

Resolved,--That the Petition of John Molson, Esquire, and others, of the Company of Proprietors of the Montreal and Province Line Junction Railway, be referred to a Select Committee composed of Mr. DeWitt, Mr. Holmes, Mr. Beaubien, Mr. Christie, and Mr. Bouthillier, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of J. Molson;

Ordered, That the Petition of John Molson, Esquire, Chairman, on behalf of the Company of Proprietors of the Champlain and St. Lawrence Railroad, be referred to the said Committee.

Of Primeau and Trottier;

Ordered, That the Petition of M. A. Primeau and A. A. Trottier, of Ste. Martine, County of Beauharnois; the Petition of John Charlton and others, of the City of Toronto and other places, in the Home District; the Petition of Amable Archambeault, and others, of L'Assomption; and the Petition of the Religious Ladies of the Hôtel Dieu of Montreal, be referred to the Standing Committee on Standing Orders.

Of J. Charlton and others;

Of A. Archambeault and others;

Of the Hôtel Dieu, Montreal referred.

Petition of O.  
W. Stevens.

The Honorable Mr. Boulton moved, seconded by Mr. Solicitor General Blake, and the Question being put, That the Petition of O. W. Stevens, of the Town of Simcoe, tailor, be referred to a Select Committee composed of Mr. Notman, Mr. Thompson, Mr. Smith, of Wentworth, Mr. Wetenhall, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

The House divided:--And it passed in the Negative.

Bridge Bill of  
A. M. Delisle  
and others.

Ordered, That Mr. Dumas have leave to bring in a Bill to authorize Alexandre M. Delisle and others, to erect a Toll Bridge over the River Jésus, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

On motion of Mr. DeWitt, seconded by Mr. Christie,

Contingencies  
of the House.

Resolved, That this House doth concur in the Second Report of the Standing Committee on Contingencies, presented on Tuesday last.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Five thousand pounds, currency, towards defraying the Contingencies of this House; and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Montreal In-  
stitut Canadien  
Bill.

Ordered, That Mr. Davignon have leave to bring in a Bill to incorporate the Institut Canadien de Montréal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Petition of J.  
Légaré and  
others.

Ordered, That the Petition of Joseph Légaré and others, of the City of Quebec, be printed for the use of the Members of this House.

On the Hon. MR. H. BOULTON moving the first reading of a bill to alter the present law as respects the sitting of the General Sessions of the Peace in Upper Canada, he drew attention to the fact of the custom of those Courts in Upper Canada sitting at the usual times when frequently, little or nothing was done and adjournments immediately took place. His object appealed not only to the Quarter Sessions, but to the General Sessions. His motion was for three terms in every four months; it would afford ample opportunities for speed settlements both in Crown and Private suits; it would occasion considerable saving in time and expense on those occasions when numbers swarmed them (sic) idleness and curiosity. He had consulted many professional gentlemen upon the subject, and they had



praised the proposed measure both on the score of convenience and economy. He had had this by him for some years, and hoped, at all events, it would be allowed to be printed, and so brought before the public.<sup>2</sup>

MR. WILSON ((asked a question)) of a technical nature.<sup>3</sup>

MR. J. SMITH (Durham) opposed the bill. There already existed great difficulty in parties having judgements (sic), putting them into execution, an evil that would not be remedied by lessening the terms of the Courts. Again he would like to see, how the provisions of the new judicature Act, introduced by government, would affect this matter if this did not touch upon it; he would be for increasing the jurisdiction of the District Courts. There existed a great evil at present, which was that the Judges of those Courts had not the same power to do certain things in vacation as was possessed by the Judges of the superior Courts. If possible he wished to have all these matters regulated by one and the same statute.<sup>4</sup>

MR. H. SMITH (Frontenac) blamed the petulancy of the hon. member for Norfolk.<sup>5</sup>

MR. AT. GEN. BALDWIN said that not having heard any complaints as to the evil working of the present law he had desired some information as to the reasons and intentions of bringing forward the present measure.<sup>6</sup>

(73)

General Ses-  
sions of the  
Peace and Dis-  
trict Courts  
Bill (U. C.)

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to repeal so much of the several Laws of the late Province of Upper Canada as relate to the periods for holding the District Courts and Quarter Sessions therein, and to make provision for holding General Ses-

sions of the Peace in each District thereof, and to alter the Terms of the said District Courts.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

On motion of Mr. Scott, of Two Mountains, seconded by Mr. Jobin,

Montreal  
Turnpike  
Roads Act.

Resolved, That this House do now resolve itself into a Committee, to consider the expediency of amending the Montreal Turnpike Roads Act.

The House accordingly resolved itself into the said Committee.

Mr. Lyon took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Lyon reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

J. M. Ferres.

On motion of Mr. Christie, seconded by Mr. Prince,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of any correspondence between James Moir Ferres, Esquire, late Inspector of Revenue for the second division of the District of Montreal, and the Executive Government, relative to his dismissal from that office, as well as of any correspondence or communications from any person

(74)

or persons that may have induced his dismissal therefrom, and explanatory of the causes thereof.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Christie, seconded by Mr. Gugy,

Peter Stuart. Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of any correspondence between the Executive Government and Peter Stuart, of Cornwall, Esquire, relative to the intended appointment of that gentleman to the Office of Sheriff of the Eastern District.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. CHRISTIE<sup>7</sup> moved for an address to His Excellency for the correspondence<sup>8</sup> and documents relative to the cases of<sup>9</sup> J. M. Ferres, Esq., of Montreal; of P. Stuart, Esq., of Cornwall, and of A. B. Papineau, Esq. The hon. gentleman alluded, in very strong language<sup>10</sup> upon the injustice of the proceedings of government in the first case. Mr. F. had been dismissed from a public situation<sup>11</sup> on "public notoriety,"<sup>12</sup> merely from the fact of his incidentally attending an election for Shefford, which he had a perfect right to do, as much as any free subject. The dismissal had taken place<sup>13</sup> on the complaint of the gentleman who now fills the office of Solicitor General for Lower Canada,<sup>14</sup> without the Governor General being made acquainted with the facts, and was the personal act of the hon. Inspector General.<sup>15</sup> It was one of the most graceful things that had ever occurred in Canada--disgraceful to the Government, and more particularly disgraceful to the gentleman who now fills the office of Inspector General.<sup>16</sup>

Hon. MR. HINCKS.--"Hear, hear."<sup>17</sup>

MR. CHRISTIE: Respecting Mr. Stuart's case, he could only conclude that the boasted system of responsible government, as therein exemplified, was nothing but an infamous bureaucracy ruling the country, sanctioning the shameful practice of pledging itself to individuals, and immediately afterwards, without any cause assigned, throwing promises to the winds.<sup>18</sup> He would compare the course taken by the present Administration, with the course pursued with respect to Mr. Turcotte, who, having obtained a promise from the Head of the Government, was placed in possession of office although there was a change of Ministry, and although he was himself a very unpopular man.<sup>19</sup> As to the last case, that of Mr. Papineau, he had been dismissed from his official station because (which he, too, had a right to do,) he entertained an opinion opposed to the School Act, although none attempted to deny that he always performed his duties well in all respects. Nothing, he said, could be more tyrannical or unjust than their conduct to Mr. Ferres, who was punished for an offence founded on mere public report, and alleged to have been committed in the time of a former administration, which had been for some time bottled up by the hon. Inspector General his friend until their accession to power, in order that they might then have the satisfaction of venting their private spleen upon that



gentleman. He would repeat in that house and out of it, that it was disgraceful to the party opposite, and more especially personally disreputable to the hon. Inspector General, then in his seat.<sup>20</sup>

MR. INSP. GEN. HINCKS begged the hon. gentleman to separate these three questions.<sup>21</sup>

MR. CHRISTIE refused to separate them. He would put the question as he had given notice.<sup>22</sup>

MR. INSP. GEN. HINCKS did not rise for the purpose of opposing the production of any paper<sup>23</sup> relating to the merits of the case<sup>24</sup> if the House decided to have them upon its journals, and that they should be printed at a considerable expense to the country; but he trusted that the hon. member for Gaspé would strike from the motion those parts of the consequence respecting Mr. Ferres' case, which had been printed and laid before the country several months ago.<sup>25</sup>

MR. CHRISTIE.--"Why should they not be printed?"<sup>26</sup>

MR. INSP. GEN. HINCKS.--The hon. gentleman asked why not? but he (Mr. H.) was prepared to give a direct negative to that part of the motion, because he would never consent that insulting letters to His Excellency the Governor General should be placed on the journals of this House, when no object was to be gained by it (loud cries of "Hear, hear") for no information would be obtained from them, as they had all been published in the public newspapers several months since. He was glad, however, that this motion had been brought forward, because it afforded him an opportunity of vindicating before the House, and before the country, the course taken by Government<sup>27</sup>, his colleagues and himself<sup>28</sup> in reference to the case of Mr. Ferres. (Hear, hear.) He would first observe that, owing to circumstances which he felt satisfied he could explain to the satisfaction of the House, there was some slight irregularity of no real importance in the proceedings relative to the dismissal of Mr. Ferres, which the Ministry had had no opportunity yet of explaining; but of this circumstance a great deal of capital had been made by Mr. Ferres and those who took his part. The Government had hitherto remained perfectly silent; but when hon. members had heard their explanation, they would see that they were entirely blameless in the matter. (Hear, hear.) It had been the practice of the Government some years ago--when he and his hon. friends around him were in office before--when Responsible Government had been first introduced in the colony, that all business of this nature should be transacted by the Provincial Secretary; it rested with that officer to see the Governor General upon all subjects connected with appointments and removals. Since, however, the more complete introduction of Responsible Government, and the administration of it by means of Heads of Departments, the custom had been changed. The change took place under the Administration of the hon. gentlemen opposite, and the hon. member for Huron (Mr. Cayley) must be perfectly aware of it. The present plan was for the Heads of the different Departments to transact the business connected with their Departments directly with the Governor General. The dismissal of Mr. Ferres took place shortly after the present Ministry came into office, and the gentleman who then filled the office Provincial Secretary (Mr. Sullivan) was under the impression that it lay in his department to act in the business. On the other hand, he (Mr. Hincks) being perfectly aware that it lay in his department, conceived that it was his business to act in the matter; and the consequence was that they both acted,

there being an entire correspondence between the members of the Government as to what was to be done in the matter. (Hear, hear.) There seemed, however, to have been a change of purpose on the part of the Government, which he would now explain. The commencement of the proceedings in this case was a letter addressed to him (Mr. Hincks) as Inspector General by the honourable and learned Solicitor General East, in his capacity of member for the County of Shefford, complaining of Mr. Ferres' conduct in taking an active part in the Shefford Election; on receiving that letter he (Mr. H.) communicated it to the Provincial Secretary, and held a conversation with him on the subject on which their views entirely coincided, as did those of the other members of the Government. After seeing the Provincial Secretary, he (Mr. H.) returned to his own office and communicated with Mr. Dunscombe, the gentleman who conducts the correspondence of the Department, telling him that he presumed the usual course was to send a letter of complaint of Mr. Ferres for explanation, and accordingly the letter was addressed to Mr. Ferres on that very day, Saturday, the 1st of April. It was sent off, accompanied by a note from Dunscombe, saying,-- "I have the honour to enclose the accompanying communication for any observations you may wish to make thereon." Now, one of two charges against the Government was, that they had first called Mr. Ferres for an explanation and then dismissed him without getting any such explanation. This was the point which he desired to explain. On the 3rd of April, (Monday) the Provincial Secretary sent him (Mr. H.) for the letter. The original letter had been sent to Mr. Ferres, instead of a copy, as is customary. He directed the letter to be recovered and sent to the Provincial Secretary, which was done. He would now read to the House a document which he would have resisted the production of, had it not been called for by the motion of the hon. member for Gaspé, because it was of a nature which no Government could be expected to produce--viz: a minute in which the Provincial Secretary had placed a record at the time, ((of)) his own opinion and that of the whole Government on the case. Mr. Hincks read the following document:--

"The Provincial Secretary submits for the consideration of His Excellency the Governor General the facts stated in the accompanying letter of Mr. Drummond, respecting the conduct of Mr. James Moir Ferres, Inspector of Licenses. Of the correctness of the statement, there can be no doubt.

"It may be said, in defence of Mr. Ferres, that his exertion at the elections were in favour of an existing Administration, and against an existing Opposition. But it is respectfully submitted that the spirit of the law is against interference in elections by officers of the revenue, and Mr. Ferres' services should not have been permitted by the head of his department; and that it is too much to expect of those who scrupulously abstain from using such support for themselves, to look on its use with indifference, when made available by their opponents."<sup>29</sup> Here Mr. H. was proud to say the present Ministry cared not for, and would not avail themselves of such support.<sup>30</sup>

"It is most desirable that subordinate ministerial officers should not be displaced on every change of Administration.

"But in the United States, where such officers are in fact, and are expected to be political active partizans, it seems to arise, as a matter of necessity, that there displacement follows a change in the Administration.

"To prevent the evil from creeping into the administration of Government in the Colony, it is necessary to have it understood in practice that those who wish their situations to be permanent, should forbear from active inter-



ference with party struggles, or at least that they should if they do make themselves active partizans, be prepared to take the consequences.

"The public odium which attached to all Governments in the use of their paid subordinate functionaries, for electioneering purposes, ought to be a sufficient reason for a refusal to use them for that purpose. They would not be permitted to interfere against the party in power, and they ought not to be active in its favour.

"The Provincial Secretary submits that in this case, Mr. Ferres should be superseded in his office, as he can scarcely be continued without the apparent adoption, by the Government, of the course pursued by their predecessors--a course which they conceive to be unconstitutional, illegal, and injurious to the proper administration of the Government of this country.

"R. B. Sullivan"

That was the paper submitted to His Excellency the Governor General, and it entirely refuted the assertion so frequently made by the press, but which he confessed he was astonished to hear repeated by a member of this House<sup>31</sup>, the hon. member for Gaspé<sup>32</sup>, that the Government acted in this matter without the knowledge of the Governor General. Indeed it had been frequently asserted that it was entirely done by the Inspector General without the knowledge of his colleagues, thus attempting to cast odium upon him. (Hear, hear.) The hon. member for Gaspé had referred to an order in the Council.--<sup>33</sup> What were the terms upon which the situation was held<sup>34</sup>? This office was once held at the pleasure of the Crown, and the mode of dismissing the incumbent was a matter between the Administration themselves and the Governor General. The head of the department, assuming the responsibility, was supposed to speak the sentiments of his colleagues. If the head of the department assumed the responsibility of an act which might bring on the Government, and weaken the Administration without the knowledge of his colleagues, he would necessarily bring himself into difficulties, and it was therefore natural to suppose that he would take care to have the concurrence of his colleagues. But in regard to the dismissal of Mr. Ferres, there was not the slightest difference of opinion between the members of the Cabinet. They would all of them be ready to defend and take the responsibility of the act. (Hear, hear, hear.) The inconsistency then arose, as he had explained, from the fact that the Provincial Secretary and himself had both acted in the matter without each other's knowledge. Reference had been made to the use of the term "public notoriety." The expression was perfectly justifiable in a case like this.-- The question is, Was Mr. Ferres on the hustings interfering in the election on the occasion asserted? Had he ever denied it? If the Government, acting on "public notoriety," had dismissed him on the ground that he had been on the hustings, and if afterwards it was proved that he was never on the hustings, that he was engaged at the time in the business of his office, and then the Government were entirely mistaken, than he would admit that the Government would have got themselves into a great difficulty. But this was just one of those cases in which it was safe to act on "public notoriety." A man could not do the things with which Mr. Ferres was charged, before hundreds and thousands of people, without its becoming a matter of notoriety. They had also the letter of the Solicitor General, a member of Parliament, who was himself present on the Hustings, and saw and heard Mr. Ferres, and who could not have been mistaken. He contended therefore, that the government had quite enough evidence to

satisfy them that Mr. Ferres was there as represented. Then came the question, whether a Revenue Officer being on the hustings and taking part in the election, the course pursued towards him was a correct one? (No! No!") The hon. member for Gaspé differed entirely from the views entertained by the Government on this point. He (Mr. Christie) had asserted that Mr. Ferres had a perfect right to be there. On the other hand, the Government thought that it was a most improper thing for him to be there, and were determined, as far as they could to prevent officers engaged in the collection of the Revenue taking part in political affairs. An act of Parliament had been passed preventing such officers from voting--much less, therefore, should they interfere in taking an active part on the hustings. They were allowed to do so in England, and such conduct cannot be admitted here, unless, as in the United States, every time there was a change of the Administration, every Government Officer, from the lowest to the highest was changed. (Hear, hear.) But it was a most singular thing that there had hardly been another instance throughout the Province of a Revenue Officer having acted in this way.<sup>35</sup>

Ironical cries of "Hear, hear," from the Opposition.<sup>36</sup>

MR. INSP. GEN. HINCKS.--Yes, he had heard of some two, three, or half-dozen instances.<sup>37</sup>

MR. H. SMITH (Frontenac).--In the Prince Edward District, for instance.<sup>38</sup>

SIR A. MACNAB.--And Three Rivers.<sup>39</sup>

MR. CAYLEY.--And Huron. (Hear, hear.)<sup>40</sup>

MR. INSP. GEN. HINCKS had never heard any complaint from Prince Edward but did hon. gentlemen suppose that the Government were to go hunting up cases of that kind? (Ironical cheers.) They did not do it in Mr. Ferres' case. The matter was brought forward by a member of Parliament, and in no case, where complaint had been made, had the present Administration refused to initiate an inquiry.<sup>41</sup>

No, no, mere report.<sup>42</sup>

MR. CHRISTIE.--You made no inquiry in Mr. Ferres' case.<sup>43</sup>

MR. INSP. GEN. HINCKS.--The hon. gentleman complained that Mr. Ferres had no opportunity for explanation of his conduct. There was no satisfactory explanation of it that could be offered. Could the hon. members opposite deny that Mr. Ferres was on the hustings, and addressed the electors?<sup>44</sup>

MR. CHRISTIE.--No, but I contend that that constitutes no offence, moral or political<sup>45</sup> in the conduct of Mr. F.<sup>46</sup>

MR. INSP. GEN. HINCKS.--The Ministry took the responsibility of acting on public notoriety, and Mr. Drummond's letter. It had not been denied, and it could not be denied, that Mr. Ferres was on the hustings, and addressed the electors: that fact was not denied; there they would join issue and say that a Revenue Officer going there and addressing the electors was sufficient ground for his dismissal, and the Ministry were prepared to stand to it, and dismiss every Revenue Officer who did it. (Hear, hear.)<sup>47</sup>

MR. CAYLEY said that Mr. F. did not vote. He was like any other spectator<sup>48</sup> on the hustings on the day of nomination<sup>49</sup>, quiet, and not taking any part, till he was personally assailed by Mr. Drummond;<sup>50</sup> and



merely replied to those attacks<sup>51</sup>, and was he calmly to submit to personal insult; and were they so ungenerous, so tyrannical, so unmanly, (hear, hear,) as to presume upon Mr. F.'s, or any other person's official position, as to say to him, "I will assail and insult you, you know your situation, and I dare you to turn and defend yourself<sup>52</sup>; if you attempt to reply, you shall be dismissed? (Hear, hear.)<sup>53</sup>

MR. CHRISTIE.--The Governor General was also attacked.<sup>54</sup>

MR. INSP. GEN. HINCKS.--It made no difference whether Mr. Ferres was attacked or not. He had no business to be there at all, interfering in the election. (Ironical cheers.) He had been in the neighbouring county of Missisquoi interfering in the election there before he went to the Shefford election.<sup>55</sup> He had attended meetings, he had canvassed on other occasions.<sup>56</sup> The hon. member for Missisquoi would not pretend to say that he had not interfered in his election, and he had also addressed meetings previous to the nomination day in the County of Shefford.<sup>57</sup> He (Mr. F.) deserved these personalities. If they wished to assimilate our system to that of the United States, as before alluded to in these matters, well and good.<sup>58</sup> The Solicitor General was, therefore, bound, in justice, and at the solicitation of his constituents, to bring the matter under the notice of the Government; and other hon. members, placed in the same position, would have done the same thing. The question, then, for the House to decide was, whether it was desirable that Revenue Officers should be allowed to interfere in political discussions?<sup>59</sup> Parties holding even subordinate situations were naturally supposed to have a certain influence, and by using that Mr. F. had brought upon himself all he met with.--The question had been started as to the spirit of the law respecting it<sup>60</sup>, but it was remarkable that nearly all those who took part with Mr. Ferres agreed with the Government in condemning the practice. (Hear, hear.) He (Mr. Hincks) was surprised to hear hon. members say that Mr. Ferres had a right to do as he had done.<sup>61</sup>

MR. CHRISTIE.--No, No!<sup>62</sup> ((He)) had said that Mr. Ferres, as a Revenue Officer, had as much right to be there as any man in the country.<sup>63</sup> He did not attack till he was himself attacked, when he had only defended himself, but His Excellency also;<sup>64</sup> He had heard the Governor General personally slandered and calumniated to an extreme degree; it was therefore his duty to defend His Excellency.<sup>65</sup> Had he not so defended Her Majesty's representative, under whom he held office, I would, myself, have helped to send him adrift.<sup>66</sup> Any man who would not do so, deserved to be kicked out of his office immediately.<sup>67</sup>

MR. INSP. GEN. HINCKS.--The member for Gaspé chose to say, that the whole of the dispute, so to speak, between the Solicitor General and Mr. Ferres, commenced on the nomination day, as if Mr. Ferres, a harmless Revenue Officer, came merely as a spectator to the election to hear what was going on without interfering. Such was not the case; he had been interfering, not merely in Shefford, but in other counties, and attending throughout the county previous to the nomination day, and came on the hustings as one of the principal opponents of Mr. Drummond, who happened to speak before him. As to what had been stated about the Solicitor General having made improper and personal remarks on the Governor General, that was an assertion which he (Mr. Hincks) was authorized by his learned friend the Solicitor General to give a flat contradiction to. (Cheers.) It had been shown very satisfactorily in the public prints that it was

utterly impossible that he could have made any such attacks, and that the certificates got by some of Mr. Ferres' friends only showed they did not understand the subject he was talking about. He repeated, that it was utterly impossible that, in connection with the subject he was discussing at the time, the Solicitor General could have made any personal attack on the present Governor General. He had already explained the cause of Mr. Ferres having been at one time asked for an explanation of his conduct, and then dismissed before he had given any.<sup>68</sup> A letter had been sent as a matter of form, not as being of any consequence or effect, as no excuse whatever could be given for Mr. F.'s addressing the electors.<sup>69</sup> The members of the Government were all agreed on the matter, and considered that they had acted rightly towards Mr. Ferres. They would persevere in the course they had taken; and he believed Mr. Ferres' dismissal would have a most beneficial effect, and that they should see no more Revenue Officers interfering in elections. (Hear, hear.)<sup>70</sup> He perceived by the interruptions a difference of opinion in that House<sup>71</sup>.

SIR A. MACNAB wished to know whether he understood the Hon. Inspector General aright. Did he say that Mr. Ferres was dismissed from his situation on account of the charge against him based on public notoriety?<sup>72</sup>

MR. INSP. GEN. HINCKS did not understand the question.<sup>73</sup>

SIR A. MACNAB repeated his question.<sup>74</sup>

MR. INSP. GEN. HINCKS said that Mr. Ferres had been dismissed from his situation because he appeared on the hustings and addressed the electors, and otherwise interfered in election matters. There was not only public notoriety against him, but the Hon. Inspector General also had a letter from the hon. member for Shefford complaining of the interference of Mr. Ferres in elections.<sup>75</sup>

SIR A. MACNAB desired a direct answer.<sup>76</sup>

A pause, without any answer from Mr. Hincks.<sup>77</sup>

SIR A. MACNAB.--Well, then, it was so.<sup>78</sup> ((He)) understood the Hon. Inspector General to state that he had "public notoriety" as a sufficient cause for his dismissal from his situation, and he now charged the Hon. Inspector General with having said so.<sup>79</sup>

"No! No!" from some members.<sup>80</sup>

SIR A. MACNAB.--This was, certainly, a new feature in<sup>81</sup> the glorious responsible government, which, by the way, was the name by which the hon. member was now called.<sup>82</sup> He had always understood that<sup>83</sup> the Common Law decreed that every man is presumed to be innocent, till found guilty<sup>84</sup>, but he was not told that "public notoriety" was a sufficient cause to dismiss a man from office.<sup>85</sup> He feared there were many there present who would stand in an awkward position. No matter with what offence Mr. F. was charged, he, and everybody else, ought to have a fair hearing in such cases, and without it, it was monstrous to deprive him of his situation and means of support. This case showed a new feature, on which it would be his (Sir A.'s) business to dwell more fully, when the papers were before the House.<sup>86</sup> He could only say that he was astonished at the admission which had been made by the Hon. Inspector General that "public notoriety" should be held as sufficient evidence to dismiss a man from office.<sup>87</sup>



MR. SHERWOOD had intended to retain his remarks till such a time as the papers were before the House<sup>88</sup>. He did not think the present occasion was the time to enter into a discussion as to the propriety or impropriety of the conduct of the Government in dismissing the gentlemen named in the Resolution now before the House; but, as the Hon. Inspector General had, at some length, attempted a justification<sup>89</sup> of the Administration for the dismissal of Mr. Ferres<sup>90</sup> he (Mr. S.) was unwilling to allow his remarks to go forth without some notice.<sup>91</sup> No doubt the papers relative to the case had been before the country for a length of time, and if he did not mistake, the matter of public notoriety was admitted as a sufficient reason for Mr. Ferres' removal; and holding this to be true, he could not help stigmatizing the sentence as severe and serious. If the statements made in the Pilot and the Herald, to the injury of any man's good name, were to be taken as a sufficient evidence against a man, he would say, God keep him from the acts of such a Responsible Government! The Hon. Inspector General<sup>92</sup> said, that the law prevented a person, holding the situation Mr. Ferres did from voting at any Election, and that the Government were determined that no such officer should in any manner interfere at Elections--that Mr. Ferres had actually canvassed the County against Mr. Drummond, and in favor of the Conservative candidate--that he appeared on the hustings, and harangued the assemblage. Now, (said Mr. S.) so far as his memory served him, it appeared, by the correspondence, that the ground of complaint was, that Mr. Ferres appeared on the hustings and addressed the people, and nothing whatever was said about his having actively canvassed the electors; and this showed how important it was to have the whole correspondence before the House before entering upon a discussion of the merits of the case. Take the grounds, then, as stated in the correspondence, that he appeared on the hustings, and addressed the people. Going upon the hustings alone surely could not be considered as an interference at the Election? Any one, he said, whether an office holder or otherwise, had a right to be present on such an occasion. He may have been led there by curiosity,--he may have felt a desire to listen to the eloquence of his hon. and learned persecutor,--but it is said "he harangued the bystanders." In this part of the charge consists the impropriety of his conduct, if any impropriety there was. How, then, is it answered?<sup>93</sup> What Mr. Ferres said--and he thought his statement was as likely to be true as the statement made by the Solicitor General--should have been inquired into, and an opportunity afforded him for giving an explanation of his conduct. That gentleman said<sup>94</sup> while standing on the hustings, he was wantonly and unjustifiably attacked by Mr. Drummond, and that remarks were also made by him, (Mr. D.) reflecting severely upon the character and conduct of the Governor General,--that, when an opportunity offered, he defended himself, and also denied the aspersions thrown out against the Representative of the Sovereign, under whom he held a subordinate office,--if this state of the case be true, (said Mr. S.) he was prepared to maintain that there was nothing in Mr. Ferres' proceedings on that occasion which deserved censure in the slightest degree. Is it not a natural right which every man enjoys to defend himself when personally assailed? And does the acceptance of an office deprive him of this right?--Then, again, had he not the right, nay, was it not his duty, as an officer under the Government<sup>95</sup>, as it was the duty of every loyal man<sup>96</sup>, to defend the head of it if in his hearing he was falsely accused? What Mr. Ferres asserts (said Mr. S.) may or may not be true, but it is clear he was entitled to be heard before he was

condemned and punished--and condemned and punished, too, upon no better evidence than public notoriety, a rumour in a newspaper, of which the Inspector General himself was the proprietor. But the Hon. gentleman says, Mr. Drummond made the charges against him, and what he said is to be believed. Are we to understand herceforth that the mere statement of an individual, however high his position in the community may be, aided by common rumour, is to be considered sufficient evidence to deprive a man of office without giving him an opportunity of explaining or contradicting them? Such doctrine is monstrous and cruel, and reflects a foul stain upon the Government, who have approved and acted upon it. He (Mr. S.) said he would read a Resolution which was placed on the Journals of the House of Lords, so long ago as the year 1740, as expressive of the sentiments he entertained. At the termination of the debate, on the motion for an Address to the King to remove Sir Robert Walpole from the Ministry, a Resolution was moved by the Duke of Marlborough, the draft of which is in the handwriting of the Lord Chancellor Hardwick:--"That an attempt to inflict any kind of punishment on any person without allowing him an opportunity to make his defence, or without any proof of any crime or misdemeanor committed by him, is contrary to natural justice, the fundamental laws of the Realm, and the ancient established rules of Parliament, and is a high infringement of the liberties of the subject." Since that day the spirit and the sound constitutional doctrine contained in the above Resolution have animated the Government and Parliament of England--but by the Government here they have been totally disregarded and set at defiance. Here a man, who entertains different political feelings from those at present in power, has only to be complained of by a partizan of the Government, and he is at once stripped of his office, perhaps the only support of a large family, without the opportunity of defence, and without a tittle of evidence against him. Several instances of the kind have occurred since the present Ministry have come into power, but even had there been but one solitary instance of such oppression and tyranny, it ought to excite alarm. Oppression is exercised against the social body when even one of its members is oppressed. When (said Mr. S.) the correspondence in this and other cases is laid upon the table of the House, some further proceeding will, no doubt, be taken, when the opportunity will be afforded hon. gentlemen of entering more fully into the merits of the respective cases than can now be possibly done.<sup>97</sup>

MR. STEVENSON said that no person had been more active in opposing him in Prince Edward than the Collector for Port Howell, Mr. Roblin. (Laughter.)<sup>98</sup> It was notorious that gentleman had not only interfered by addressing electors, canvassing, &c., but even allowed the records of the Registry Office to be submitted to the electors previous to that election. This was a well known fact, and yet the ministers had not attempted any action in the case.<sup>99</sup>

MR. AT. GEN. BALDWIN joined with the Hon. Inspector General in assuming the responsibility of the<sup>100</sup> course adopted with regard to Mr. Ferres.<sup>101</sup> He differed in toto from the conclusion already arrived at, from the one quoted respecting Sir Robert Walpole. He thought hon. members did not understand that Minister's position. The prosecution fell to the ground for want of foundation of an impeachment for high crimes and misdemeanors. There existed a very strong party feeling against Walpole, which sought to ruin him, and even to bring his head to the block, if the materials of evidence could have been found, but he was always ready to meet his



opponents. A committee of Secrecy had been appointed, which, however was fruitless. Walpole fell in the usual way, and in due time he was replaced by those who were better qualified, by having the confidence of the country with them. But what analogy between that case and the present. Mr. F. held his appointment during pleasure of the Crown, which had the power at any time to remove him, provided the Ministry assumed the responsibility of the act. It was true it was not customary to do so, unless for good and substantial reasons that would bear the scrutiny of Parliament. It was also very customary for hon. members to move for the production of papers merely to get explanation at once, and so obviate the necessity of the production; and if he and his colleague, the hon. Inspector General, had not entered into their present explanation, they would have been guilty of a great disrespect of that House.--He, as one, assumed the responsibility of removing Mr. F. on the ground of facts, which neither the hon. member for Toronto nor any one else denied. Mr. F. had not been a mere accidental spectator, quiet and peaceable; he was not solitary on the occasion, that was a notorious fact, and did it lessen the credibility of Mr. Drummond's letter? The interference was forbidden by Act of Parliament. If hon. member wished to introduce here the United States system, and make a clean sweep of the subordinate officers at every change of administration or that the holders for the time being should be mere machines, to be handled at the pleasure of their masters, let it be so. He was for doing so. (Hear, hear.) True he should depreciate (sic) such a system, but he did not live to see them make fish of one and flesh of another; to protect one portion, and not another. If they did not desire that state of things, they must uphold the conduct of the Government. This was the first time he had heard of Mr. Roblin's case; it was not brought up before the House, nor was it indeed necessary in all cases; but this was the first case, and it was not his party's advantage to use patronage, although other cases might have been brought forward; but this one was taken to make an example, and no explanation whatever would shake his opinion; and, at the proper time, he was confident the house would support his side. He would not object to the motion if it was confined to purely official matters, but he would not consent to a confused generality of matter to appear in the Journals.<sup>102</sup>

MR. BADGLEY said, that with regard to the Missisquoi election, Mr. F. at that period resided in that county, with his family and connections, and therefore, it was natural and right, that he should be a spectator on such an occasion, or was he merely on account of an event of such public interest to be absent from his country and friends. As to Shefford, he was not accused of voting, but of interfering, and no further proof of this was adduced but Mr. Drummond's letter. He Mr. B. was not in favour of the interference of government officers as now alleged, but he looked to the motive of the proceedings against Mr. F., and desired justice to this individual, even though the unsupported testimony of a member of the government was arrayed against him. He here<sup>103</sup> read from a speech of a noble lord on the occasion of the resolution of the lords already alluded to, to show that the principle applied to every member of society, whatever might be his position.<sup>104</sup> The case of Sir R. Walpole ... commented in strong terms upon the arbitrary nature of the prosecution, then sought to be maintained as endangering rights, liberty, and life itself. (Hear, hear.) In this case he wished some explanation for the extraordinary and premature exercise of the royal prerogative. He quite agreed with

the general principle of dismissing subordinate officers, who prostituted their influence to encroaching on the liberty of election; but he would not see an officer, as in this case, made the scape goat of a political party. The opinion of the Provincial Secretary was taken after the dismissal, and a similar charge in the case of<sup>105</sup> Prince Edward and Huron,<sup>106</sup> but no steps upon it. Why was the whole concentrated force of the executive brought to bear upon an insulated (sic) case, from ex post facto statements. If the party now accused, had in any way erred, would not a suitable reprimand have answered all proper purposes.<sup>107</sup>

MR. PAPINEAU spoke against the course the Government had taken in this case, and<sup>108</sup> asked if the fact of which Mr. Ferres was accused had been proved before he was discharged from his office.<sup>109</sup> ((He)) deprecated taking articles that have appeared in the public papers as sufficient ground for the dismissal of a public officer, and not only depriving him of his means of living, but likewise attacking his reputation.<sup>110</sup> Was Government to act upon such rumours which appeared in the news papers? Perhaps had enquiry been made, it would have been found that he had committed only an indiscretion unworthy of such punishment. Or it might have been established, as it had been stated in the correspondence which had been published, that he had merely defended himself and the head of the Government, in a manner which he was bound to do.<sup>111</sup> It appeared to be insulting to the head of the Government to force him into an acquiescence in such an arbitrary act, in the manner they have done. He did not think that this was the proper time to discuss the point, but that when the papers were laid before the House, the Ministry might then have the opportunity of justifying itself, if justification it had.<sup>112</sup>

MR. CHRISTIE said, that he did not want any other correspondence but what was strictly official. He would refer it to a committee appointed for the purpose of enquiring into it.<sup>113</sup> He thought that all these cases involved infringements on the prerogatives, which showed that the Governor General was but a cat's-paw in the hands of ministers. The hon. member then consented to strike out some words from his motion, so as to make it refer only to the correspondence on which Mr. Ferres' dismissal took place, and not that which had occurred since that time.<sup>114</sup> He did not want any newspaper correspondence whatever.<sup>115</sup>

MR. AT. GEN. BALDWIN.--The hon. gentleman will perhaps strike out the words "orders of Council." He did not consider it regular to send down orders of the Council; and besides, in this case, he was ready to admit that no order of Council existed.<sup>116</sup>

MR. BADGLEY said, the Government would give such papers as were proper.<sup>117</sup>

MR. CHRISTIE said,--With the explanation given by the hon. Attorney General, he would consent to strike out the words "orders of Council."<sup>118</sup>

MR. INSP. GEN. HINCKS said, that he would wish the hon. member for Gaspé to word his motion in such a manner as only to ask for such papers as had reference to the dismissal of Mr. Ferres. He (Mr. H.) had that correspondence in his hands. There was no necessity to give two letters written by the Secretary, as that would make the production of Mr. Ferres' letters in the newspapers necessary.<sup>119</sup>

MR. AT. GEN. LAFONTAINE said a few words to the same effect.<sup>120</sup>



MR. CHRISTIE said, that Mr. Ferres had nothing to do with the present inquiry, and did not know that it was to be made until the day before yesterday.<sup>121</sup>

MR. AT. GEN. BALDWIN, in reference to the correspondence of P. Stuart, Esq., of Cornwall, said that he had no objection whatever to open the correspondence in question, excepting that part which had reference to the retraction of the promise to him. In reference to this case of Mr. Stuart, as in the former case, though he was not in town at the time, he entirely concurred with what his colleagues had done.<sup>122</sup> At the late election, Mr. Sheriff McMartin vacated his office<sup>123</sup> for the purpose of offering himself as a candidate<sup>124</sup> for the Government interest<sup>125</sup> at an election<sup>126</sup>, and it appeared that some promise was made to Mr. Peter Stuart, that the office should be conferred on him. Now, by an Act of Upper Canada, the Crown could appoint no person to be Sheriff till the person had entered into certain recognizances at the Quarter Sessions of the District. Now, when the correspondence relative to this office took place, the Administration of that day had just appealed to the country, and had had a verdict rendered against them. They were therefore holding office ad interim, and were not in a position constitutionally to make any appointments to office<sup>127</sup> but such as was absolutely necessary for carrying on the Government of the country<sup>128</sup> until after they were removed of the responsibility of office by the House. The present Government did not find Mr. Stuart in office, because that could not be done till he had fulfilled certain conditions. When he had fulfilled these conditions, it became the duty of the Administration to advise an appointment, and they did not choose to take the responsibility of advising that of Mr. Stuart<sup>129</sup> and consequently the Governor could not constitutionally appoint him.<sup>130</sup> Was the Governor General then to defy the counsel of his constitutional advisers? or were the Ministry to advise a bad appointment?<sup>131</sup> He would go farther, and say that if the late Ministry had appointed him he, (Mr. B.) would have advised his dismissal, and would have resigned had he not been dismissed, and the Governor might have got Mr. Stuart to help him to carry on the business of the country. The circumstances in this case justified the Ministry in the course it had taken.--<sup>132</sup> The law forbids Sheriffs to take part in elections; were they, then to resign their offices--were other gentlemen to be appointed to fill those offices, under circumstances which at least bore the appearance of arrangement?<sup>133</sup> The appointments was not made, and the Ministry could not take the responsibility of it; the late Government had no right to appoint him nor was this the only case of this kind. In England the promise of appointments had been made by one Ministry and not carried out by the other one which succeeded. He cited the case of Lord Hytesbury in 1835, who had been promised an appointment in India--he had all his goods on board ship, and upon a change of administration he was not sent out. He likewise cited the case of Lord Amherst<sup>134</sup> ((who)) was ready to embark for Canada ... but there was a case in Canada, which would probably have much greater authority with hon. gents. opposite. This was the case of<sup>135</sup> the hon. and gallant knight, the member for Hamilton<sup>136</sup>, Sir A. MacNab and the Adjutant Generalship<sup>137</sup>. What had the late Ministry done in this case.<sup>138</sup> Here the hon. member read from the journals the statement of Sir Allan MacNab from the Chair at the beginning of the session of 1847. From these, it appeared that when Sir Allan was to be appointed Adjutant-General, he impressed upon the Governor General the propriety of his having a person thoroughly acquainted with military details, (Col. Cameron) and that "he left the Governor General

with the understanding that Col. Cameron was to be the deputy:" That he went to Mr. Daly and told him "that he had accepted on the express condition that Colonel Cameron was to be appointed," and that "so soon as it was ascertained that Colonel Cameron would accept, both were to be gazetted altogether."<sup>139</sup> We had great work about conditions some time ago.<sup>140</sup>

Hear, hear, and laughter from the Ministerial benches, and a gentleman opposite.<sup>141</sup>

MR. AT. GEN. BALDWIN ((continued:)) Subsequently Sir Allan saw the Governor General, and was told--"Some of the Ministry desired to have Mr. McDonald appointed but I (the Governor General) told them I had authorized you to offer the appointment to Col. Cameron." That he (Sir Allan) then called on Mr. Cayley, who expressed himself to be in favour of Col. Cameron," upon which he (Sir Allan) remarked "that if there was any difficulty, he would go back to the Governor Gen., and received for answer that there was "no necessity" they would try to provide otherwise for Col. McDonald."<sup>142</sup> Here then was a case in which the assent of the Governor General was given with the responsibility of the Ministry. He would not detain the house longer than by reading Mr. Daly's letter<sup>143</sup> appointing Mr. McDonald<sup>144</sup> in which it was stated that it was not expedient to appoint Col. Cameron,<sup>145</sup> and regretting that Mr. Cameron should be "disappointed," in consequence of circumstances beyond His Excellency's control, obliging him to change his former intention.<sup>146</sup> (Laughter.)<sup>147</sup> He therefore concluded that as well on account of the merits of the case, as in consequence of these precedents, the Ministry were perfectly justified in what they had done.<sup>148</sup> Here is a case in which the assent of the Governor is given on the responsibility of two Ministers of the Crown<sup>149</sup> at least<sup>150</sup>, and in which it was found that circumstances beyond the control of the Government had made it necessary to recede.<sup>151</sup> In refusing to carry out the original pledge, the Ministry of the day had acted with a degree of discourtesy towards the Representative of his Sovereign, such as he (Mr. Baldwin) would never have been guilty of.<sup>152</sup> He repeated, that if Mr. S. had been appointed, he would have been prepared to advise his dismissal, and would have been justified according to English practice and that of the gentlemen opposite. He (Mr. B.) would never have consented to have the representative of his sovereign in the position that they had done; he would never have consented at any sacrifice to the letter of Mr. Daly to Sir A. MacNab; he quoted that as a stronger case than the present. The explanations now given he was satisfied would be enough to satisfy members of this house, except those who wanted to refer to it from party motives.<sup>153</sup>

MR. H. SHERWOOD (Toronto) said that he did not take his present course from party motives, but he believed the course of the Government to be wrong. He did not think that the hon. gentleman answered this case, by referring to the act of another government, which might perhaps have been wrong<sup>154</sup>. He was not present at the time when the affair was discussed in the House; but, perhaps, if it were again to be debated, the hon. member for the North Riding would find him as much opposed to the conduct adopted in that case, as himself.<sup>155</sup> It was no excuse to read the Journals, and say that there was a similar case. He had not given his assent to that case, and he was free to act in any manner whatever. He asked if the hon. gentleman meant to say that the late government had influenced Mr. McMartin in the course he took. Mr. McMartin left his situation, and that for the purpose of coming forward as a candidate at the election.--Another applicant came forward for his office in the person of Mr. Stuart. The Ministry



believed him capable of filling the duties of the office; he had been under Sheriff, and had the recommendations of the majority of the Bench, as he understood. The office required to be filled up, and he asked the hon. member who were to do it, but the legal advisers of the Crown. Had His Excellency thought that Mr. Stuart was not a proper person, he ought to have said so,--that he did not think so was proved by his authorising (sic) the letter to be written to Mr. S. Had he (Mr. S.) been called to an administration under such circumstances, he would never have advised His Excellency to have dismissed him unless it should have been shown that he was incapable of fulfilling the duties of his office. He would have certainly told His Excellency that he could not interfere with the appointment, and this would have been the proper course for the hon. gentlemen opposite to have taken, unless something had been found out to show that the party was not capable of filling the office. It was a thing unprecedented, and there could be no public faith, if the word of the Sovereign was not respected. No speculator should be allowed to count on chances, when the word of the representative of our Sovereign was pledged. The production of a document containing that word, should be counted on as a certainty, unless the insufficiency of the party should be afterwards shown. The hon. gentleman had appealed to English practice, and the case of Lord Heytesbury, and Lord Amhurst, and Lord Canterbury. He (Mr. S.) was acquainted with those cases, and there was no analogy, whatever, between them and present<sup>156</sup>. Lord Heytesbury and Lord Amhurst were both appointed to governorships, which, like the Lord Lieutenancy of Ireland were always looked upon as political places--filled with express reference to the policy which the administration of the day were prepared to carry out. This was not the case with a non-political office like that of sheriff<sup>157</sup> of a District, or a Clerk of the Peace. ... It was understood that in political appointments, these changes might occur, nay were looked for, but a Sheriff or Clerk of the Peace, was not a political officer, and could not by possibility interfere with the government and its policy, and it was disgraceful to turn out officers of this kind, without assigning some causes.<sup>158</sup> It was necessary to fill up the office of sheriff without delay, as he had many important functions to fulfill. The existing Government, therefore, appointed a gentleman who had long acted as deputy sheriff, and was in all respects well fitted for the office.<sup>159</sup> In England so much confidence existed in the permanency of this class of situation, that though they were only held during pleasure, they were in reality during good behavior. He ventured to affirm that if in England the word of Her Majesty had been pledged to any appointment, it would not have been changed by any succeeding Ministry.<sup>160</sup> The appointment was made with the advice of those who, for the time being, were the constitutional advisers.<sup>161</sup> If he were not prepared to tell the Representative of his Sovereign that there were some disqualifying reasons, he would never have advised him to do so unprincipled a thing as to retract his word.<sup>162</sup> As it was he looked upon the refusal to carry out the pledge given to Mr. Stuart, as most unjurious--as destructive of all confidence in the promises of Government.<sup>163</sup> The hon. gentleman had said that if Mr. Stuart had been appointed, he would have turned him out. He (Mr. S.) had no doubt he would have taken that course, as he did in the case of Mr. Ferres, and it would be just of a piece with all their other conduct. They had shown perfect disregard of all faith, and had adopted the policy of ridding themselves of all those who differed from them in political creed, without even giving them a chance of clearing themselves. When the papers were

before the House, he had apprehended it would be a better time to discuss the question. He had been overruled in his opinion by the gentleman opposite, and, as he had gone to some length in defence, he (Mr. S.) had made these few remarks in answer to their pretended justification.<sup>164</sup>

MR. INSP. GEN. HINCKS said the hon. member for Toronto appeared to have disapproved of the conduct of the late Administration with regard to the appointment of the Deputy Adjutant General.<sup>165</sup>

MR. H. SHERWOOD explained they had that case fairly before the house, and he did not know enough about it to judge fairly upon it, but if all the papers were before him, he might not approve of the course pursued by the Administration on that occasion, if he found that it was such a case as those they had been speaking of.<sup>166</sup>

MR. INSP. GEN. HINCKS thought the hon. member for the North Riding had not relied exclusively on precedents, but had justified the course adopted by the circumstances of the case.<sup>167</sup> The course which had been pursued was one which other governments had followed; and<sup>168</sup> if the Governor General's promise had been broken, whose fault was that? Was it not that of honorable gentlemen opposite, who had pressed the nomination of Mr. Stuart<sup>169</sup> before the present Parliament was assembled<sup>170</sup>, at a time when<sup>171</sup> there was an appeal being made to the people and when the Administration knew that the country was against them<sup>172</sup> and when delicacy ought to have induced them to refrain from doing so<sup>173</sup>? Why did they make the appointment? Why did they not let it rest, when they knew it was not in their power to complete it? If they could have shown that there was any necessity to make it at that time there would have been some ground for their proceeding, but there was no necessity for making it at that time, for the present Administration had ample time after they came into power to write to another person, and for that person, after his appointment to get his securities entered into the first Quarter Sessions, so there was no occasion for the appointment; but, regardless of this, the late Administration persisted in making it, and on it lies the responsibility of what had followed.<sup>174</sup> The Administration desired to say nothing against either of the parties; but it was obvious that a case of this kind was precisely one of those, where there might be collusion<sup>175</sup> between ((Mr. Stuart)) and the Sheriff. The law prohibited Sheriffs from interfering politically in elections, or from standing as Candidates, and he would just suppose a case where a principal Sheriff was desirous of standing as Candidate, agreed to resign his office and to use his endeavours to get his Deputy<sup>176</sup>, with whom he had acted for years in the most perfect confidence<sup>177</sup>, appointed in his stead, with the understanding that if he lost his election, the Deputy was to resign, and he was to be appointed again, that his Deputy was to hold the office in partnership with him, would not that be a violation of the law? And if such a proceeding took place, it was almost impossible to get evidence clear enough to fully establish it. And when a Sheriff resigned upon the eve of a general election, at which he stood as Candidate, and his Deputy was appointed to the office, and it was a most unusual course for a Deputy to be made Sheriff, there was a strong ground of suspicion that there had been some collusion between the parties. There was a strong feeling in the County that there had been something of that kind, and it afforded ample ground for the Administration declining to sanction the appointment.<sup>178</sup> A great



deal had been said about a broken pledge; but in truth there was nothing of the kind. When Mr. Ferres was dismissed no one imagined, at any rate, that any pledge was broken; why, then, should Mr. Stuart be supposed to be in a better position before his appointment, than if he had actually been in office?<sup>179</sup> The hon. member then went on to comment on the cases of Lord Heytesbury, Lord Amherst, and Lord Canterbury, and to state that those appointments were not political ones<sup>180</sup>. For each of them the office had been offered on the Royal authority. In other respects, it was not true that governorships were political appointments, especially of late years.<sup>181</sup> Lord Dalhousie himself said, after his appointment as Governor General of India, that his appointment was not a political one, and lately it had not been the practice in appointing Governors of Colonies to make them political appointments; and that the Administration thought that the appointment of Mr. Stuart was improperly made, and that it did not consider itself, under all the circumstances, justified in completing it.<sup>182</sup>

MR. CAYLEY said there should be a sufficient understanding between all parties, to reduce the incoming Administration to carry out the appointments of its predecessor. As to the precedents cited, he must say there could be no doubt, that Governorships were political appointments. The method of supposing collusion, might lead to very wide and very unpleasant discussion; for he (Mr. Cayley) might suppose collusion between the Judges at Quebec, and in many other cases. He thought the hon. member for the North Riding had not dealt fairly with the House, in reading only parts of the case of Sir Allan MacNab. Why did he not read all the answers of the hon. and gallant knight? The hon. gentleman, however, was then in a very different position. He and the hon. and gallant knight were united, like Castor and Pollux. Nothing was so near the head of the hon. member for the North Riding, as to sustain the honour of the Speaker in the chair. But the hon. member thought he would have been more courteous towards the head of the Government than the late Ministry were. He believed no one ever accused the Ministry of such a sin as too great courtesy to the Governor General; for they had given the lie direct to one of them. Nor did he think, in investigating the affair of the Adjutant Generalship, they had carried out the present idea of public notoriety. That was sufficient in the case of Mr. Ferres; but the Speaker had to be minutely questioned as to all the particulars of the occurrences which had taken place. In the same way, the hon. gentlemen were very indignant now, at the idea that the word of a member of the Government (Mr. Drummond) should be doubted; but they did not think it any harm to doubt the Speaker when he assumed the chair, though, of course, they would not have done so, had he been Adjutant General.<sup>183</sup>

It was then agreed that the papers should be laid before the House, with the exception of the letters of Mr. Ferres to the Governor General, which have been already published in the newspapers.<sup>184</sup>

The motion was then put and carried without any division.<sup>185</sup>

(74)

*On motion of Mr. Christie, seconded by Mr. Gugsy,*

A. B. Papineau.

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to cause to be laid before this House, copies of any petitions, papers, and correspondence (in addition of those already on the Journals of this House,) that may be in the possession of the Executive*

*Government relative to the dismissal of A. B. Papineau, of St. Martin, Esquire, as well previous as subsequent to his dismissal from the Magistracy of the District of Montreal and other offices of trust and honor under Her Majesty's Government, and explanatory of the causes of his said dismissal.*

*Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.*

*On motion of Mr. Brooks, seconded by Mr. M'Connell,*

*Imports. Resolved, That an humble Address be presented to His Excellency The Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Statement, in detail, of the Imports into this Province for the years 1847 and 1848, and the value thereof, with the amount of Duties thereon, distinguishing between those Articles paying specific, and those paying ad valorem Duties.*

*Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.*

MR. H. SHERWOOD, of Toronto, moved that an Address be presented to His Excellency praying humbly to lay before the House all the papers in the case of A. Morrison. He stated that Mr. Morrison had purchased a lot of land in one of the Townships in the Niagara District from a person who had obtained a patent for it. It afterwards turned out that an older patent for the same lot had been granted and Mr. Morrison had consequently been unable to obtain possession of the lot; and he now desired some remuneration from Government for the loss he had sustained in consequence of the lot which he had purchased having been previously granted to another person than the one whom he purchased from.<sup>186</sup>

MR. COM. CR. LANDS PRICE said the explanations he would give would probably induce the hon. member to withdraw his motion. The case had already been submitted to three or four administrations, all of which had decided against Mr. Morrison's claim. The hon. member then proceeded to detail the circumstances at some length, by which it appeared that in 1795 a patent was issued for the lot in question to one Brand, who afterwards sold his title in it to another person Brand. some years afterwards, upon making his affidavit that he was still the proprietor, obtained another patent for it, and it was his title under this patent, that he sold to Morrison, who had neglected to take any of the ordinary precautions such as going and searching the Registry office &c., and that there appeared some ground for suspecting that Morrison was aware that he was purchasing a very doubtful title, and that he was not entirely ignorant of the true facts of the case.<sup>187</sup>

MR. H. SHERWOOD did not know anything about the matter more than he had learned from Morrison and did not feel himself justified in withdrawing his motion. He was desirous of seeing the papers. If it then appeared that there was any ground for asking for compensation he would move that the matter be referred to a Select Committee to be investigated into. He did not think that there had been any dishonesty on the part of the claimant.<sup>188</sup>



((There were)) a few remarks from MESSRS. AT. GEN. BALDWIN and H. SHERWOOD<sup>189</sup>.

The motion was put and carried.<sup>190</sup>

(74)

On motion of the Honorable Mr. Sherwood, seconded by Mr. Prince,

Alexander Morrison.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid

before this House, copies of all correspondence which had passed between Alexander Morrison and the Provincial Government, upon the subject of his claim for compensation for the loss of a lot of land in the Niagara District, on a prior Patent having been issued to the one under which he claims, as well as copies of all Orders in Council and other documents having reference thereto.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Bill to extend certain privileges to law Students in Lower Canada.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to amend the Act of Lower Canada, sixth William the Fourth, intituled, "An Act to repeal certain parts of an Ordinance therein mentioned concerning persons to be admitted to practise the Law or to practise as Notaries

in this Province."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the nineteenth instant.

Presbyterian Church Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to incorporate the Members of the Presbyterian Church in Canada in connection

with the Church of Scotland.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Montreal Prison Discipline Society Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to incorporate certain persons under the name of the Prison Discipline Society of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

On motion of Mr. Fortier, seconded by Mr. Polette,

Provincial Statutes.

Ordered, That it be an Instruction to the Select Committee appointed to enquire into the System adopted in the distribution of the Canada Gazette,

to enquire into the mode of distribution of the Provincial Statutes in Lower Canada.

Saguenay  
Municipal  
Council Bill.

Ordered, That the Honorable Mr. Laterrière have leave to bring in a Bill to authorize the inhabitant householders holding lands in the new Settlements on the borders of the Saguenay, forming

the Second Municipal Division of that County, to establish a Municipal Council therein, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Supply.

Mr. Sauvageau, from the Committee to whom it was referred to consider of the Motion made on Friday last,

That a Supply be granted to Her Majesty, reported a Resolution; which was read, as followeth:--

Resolved, That a Supply be granted to Her Majesty.

The said Resolution being read a second time, was agreed to.

Resolved, That this House will, on Tuesday next, resolve itself into a Committee to consider of the Supply granted to Her Majesty.

Oxford  
Election.

The Order of the day being read, for resuming the adjourned Debate upon the Question proposed on Tuesday last, That this House having heard the evidence adduced on the part of John George Vansittart, Esquire, in defence

of his conduct as Returning Officer for the County of Oxford at the last General Election, adheres to its Resolution of the 21st March last, "That the said John George Vansittart, Esquire having taken upon himself to return Peter Carroll, Esquire, as Member for the said County to serve in this present Parliament, contrary to the majority of votes received by him on the Poll Book in favor of the Honorable Francis Hincks, who ought therefore to have been returned, acted illegally, in defiance of law, in manifest violation of the rights of the freeholders of the said County, and in breach of the privileges of this House."

(75)

And the Question being again proposed:--The House resumed the said adjourned Debate.<sup>191</sup>

COL. PRINCE rose and said<sup>192</sup> that he had entreated hon. members, the last time this subject was under consideration, to<sup>193</sup> consider that they were acting as judges in the matter now before them and that he had then called upon them to approach it with deliberation, and free from all political feelings, including that they must come to a just decision upon it. The resolution<sup>194</sup> that they were about to discuss was one passed last Session, affirming that Mr. Vansittart's conduct as Returning Officer for the County of Oxford, was a gross violation of the privileges of that House. It would not be necessary to revert to the time of passing that resolution, except for the purpose of remarking that it appeared to him to have been viewed<sup>195</sup> not as a judgment but as an indictment<sup>196</sup> calling on Mr. Vansittart to make a defence of his conduct. That appeared also to be the view taken of it during the present Session, for it would have been an act of injustice of Mr. Vansittart to look upon it as an act of adjudication<sup>197</sup> because they would have condemned a gentleman before they had heard evidence upon it.<sup>198</sup> And in fact the House had not appeared disposed to view it in that light. Therefore it was that Mr. George Brown had been called on as a witness on the part of the prosecution<sup>199</sup>. The witness



was wrongly called, in his opinion, for there was sufficient upon the face of the Poll Books to enable them to decide on the matter. They had called upon George Brown for what purpose--for the purpose of proving the fact alleged in the resolution. He was a witness of the hon. gentlemen opposite. In fact, a witness for the part of the prosecution. He, Col. Prince, therefore thought that they must consider the question as a bill of indictment. In speaking of the merits of the case, he would first refer to the evidence given by Mr. Brown, and then examine into the testimony given by the witnesses called on by Mr. Vansittart. But before referring to Mr. Brown's evidence, he would call the attention of the House to the position of Mr. Brown so that they might just attach such credit to it as it was entitled to. It could not be concealed, because they had it from his own lips<sup>200</sup> at the Bar of that House, that he was the agent of Mr. Hincks for the contested election for the County of Oxford. It had been elicited from him, by cross-examination, that<sup>201</sup> he was a very strong partizan of that gentleman, and canvassed the county of Oxford; and it had also been proved, from his own lips, that he was actuated by a very strong feeling against Mr. Vansittart, and he came to the bar of this House very greatly prejudiced against that gentleman; he admitted there that he was a strong partizan of that gentleman, that he had canvassed the county of Oxford for him, and that he had also admitted that he had represented him during the election; he had also admitted that he had, in conversation, expressed strong feelings against Mr. Vansittart, that he had said that it was his opinion that Mr. Vansittart should be severely punished<sup>202</sup>. He (Col. Prince) wished that he could impress those points on the minds of hon. members. Mr. Geo. Brown had admitted all these things, and besides, it appeared from the evidence that he had been in the habit of conversing with every person he met--perhaps the evidence was not in these precise words--but that he had spoken with several persons since the election, on the subject of Mr. Vansittart's conduct; showing a strong and decided feeling against that gentleman. It would be found in evidence that his conduct towards Mr. Vansittart at the hustings had been so violent and insulting, that he had been threatened with commitment; and moreover that when he had discovered an error in the qualification of Mr. Carroll, he had not the politeness to point it out to Mr. Vansittart, but in reply to a civil request on the part of this gentleman to do so, replied that he had no business to ask such a question. He<sup>203</sup> (Col. P.) only mentioned this to show that Mr. Brown was prejudiced in favor of Hincks and against Mr. Vansittart<sup>204</sup> at the time he gave his evidence at the bar.<sup>205</sup> Well, he had been examined, and what did he prove. The resolution stated that Mr. Vansittart had acted illegally, in defiance of law, in manifest violation of the rights of freeholders of the said county, and had been guilty of a breach of privilege against that House. The object in bringing Mr. Brown forward was to prove that he Mr. Vansittart was guilty of the charges contained in the resolution. That showed that the House did not consider the resolution as an adjudication, or was he only brought forward to aggravate the conduct of Mr. Vansittart. He (Col. P.) thought it must be only to prove the charge. And what did Mr. Brown say, he told them that he was on the hustings on the day of nomination, and that he heard Mr. Vansittart say that he would hold Mr. Hincks' qualification sufficient for the present occasion. (The hon. member here took up Mr. Brown's evidence and read portions of it, commenting on it as he went along.) And then Mr. Brown goes on to say that Mr. Vansittart said that he had decided it in his (Mr. Brown's) favor for the present occasion, and that he would leave the other parties to apply for their remedy elsewhere. Now,

if Mr. Vansittart said that he would have been guilty of improper conduct, but that assertion was denied most peremptorily by Mr. Vansittart; that gentleman said, that he would make farther enquiries and that he would give his opinion on the declaration day, and if Mr. Brown was so desirous of fair play as he would lead them to believe he was, why did he not allow Mr. Vansittart to point out the error in Mr. Campbell's qualification; it only showed that Mr. Brown was a most violent partizan, and showed the animus by which he was actuated towards Mr. Vansittart. He would now call the attention of the House to another point in Brown's evidence, he stated that the returning officer had declared on the day of nomination, that Mr. Hincks was duly elected by the show of hands, while Mr. Vansittart only said, that the show of hands was in favor of Mr. Hincks. This evidently showed that Mr. Brown desired to tell the truth, but not the whole truth. Then in the course of his evidence, he also stated, that before the close of the election, another qualification was sent up by Mr. Hincks--that Mr. Hincks sent up second qualification not doubting that the first was sufficient.<sup>206</sup>

MR. INSP. GEN. HINCKS said that this could be very satisfactorily explained.<sup>207</sup>

COL. PRINCE.--It might be very easy for the hon. member to explain in in a manner by which the hon. member was content to explain many other things, but he, (Col. P.) would ask<sup>208</sup>: in the name of Heaven, what was the use of sending up a second qualification? Why did not Mr. Hincks, since he was in the Province, go there himself in order to answer any questions which might be put by the good, jolly, and, as they were termed, influential constituency of Oxford?<sup>209</sup> If he (Col. Prince) had been an elector and the hon. member instead of coming up himself, had only sent up a piece of paper, he would have asked why he did not come up, as he John Prince would like to ask him a few questions about his qualification whether, when he signed that declaration, he was possessed of the lands mentioned in it, to which the hon. member would of course answer yes because he would become liable to be indicted of perjury if he was not, and he would also have asked if he did not get the property conveyed to him for the time of the election only, and if its value was not about ten pounds, instead of £600. He would probably also have asked other questions. What was the meaning of the Act 1 and 3 Victoria, it provided for a case whence a Candidate was unavoidably absent, well did either Mr. Hincks or Mr. Brown give any excuse for the absence of Mr. Hincks, did either of them say, that the hon. member was detained in Montreal, as he probably was, conducting that most influential newspaper which had been called the organ<sup>210</sup> all-important<sup>211</sup> of the ministry,--The Pilot,--they might have said this, or they might have said he was<sup>212</sup> sick and<sup>213</sup> in the hands of the Doctor<sup>214</sup>, in either case, a good and sound reason for his absence.<sup>215</sup> But this was not done, but merely a piece of paper sent up, which Mr. Vansittart should never have received, and what did Mr. Brown say in his cross-examination, he told them that he had conversed with many persons and one of them was a member of the House, although he, (Col. P.) thought it was a breach of privilege for a member to speak to a witness summoned to appear at the bar of the House; Mr. Brown said he had often told what his opinion was about Mr. Vansittart's conduct, and admitted that he had said that he thought he should be severely punished, why was it Mr. Brown was called upon to give evidence



unless it was to prove Mr. Vansittart guilty, he had shone (sic) a strong desire to come to the bar to injure Mr. Vansittart, and he came to it with bitter feelings against him. The House had allowed Mr. Vansittart to bring down some testimony, and it might<sup>216</sup> appear strange to some hon. members, that he had only brought down three or four witnesses, respecting a subject so notorious as the scene at the hustings; but hon. gentlemen should bear in mind, that according to law and common sense, one or two witnesses of a respectable character are<sup>217</sup> as good as a hundred, and they must bear in mind the great expense attending the bringing of witnesses down; it was no joke to bring highly respectable witnesses like those who appeared at bar, down a distance of 50 miles. The expense was more than most men could bear, and it should therefore not injure Mr. Vansittart in their estimation, because he did not bring more witnesses down. The only witness against him was Mr. Brown, and if he had been the only evidence, then it would have stood alone, and he (Col. P.) in that case would probably have felt bound to support the resolution before the House, but they had heard other witnesses. There was Col. Whitehead, against whose character no imputations had been made; it was true, the Hon. member for Oxford asked him if he was not a Tory, and he answered that he was<sup>218</sup> a Conservative or Tory, or something of that sort;<sup>219</sup> but was that any injury to his character<sup>220</sup>? He would not insult the House by supposing that the fact of his being a Conservative could have anything to do with the value of his evidence. He was questioned particularly, as to whether he had heard the Returning Officer say he had accepted the qualification of Mr. Hincks, and<sup>221</sup> he told them that it was contested on the nomination day; on the ground that Mr. Hincks being in the country, should have been upon the spot, where he (Col. P.) considered he was bound to be for he could not give up the opinion he had formerly expressed that the election was not legally decided. Col. Whitehead then goes on to say, that there was a good deal of conversation at the time, but that he is clear upon the point that Mr. Vansittart said he would take counsel upon the point, and give his opinion upon the return day,--that did not look as if he had announced a decision in favour of Mr. Hincks. If Mr. Vansittart had given his opinion at once it would have been much better; but they could not expect that a gentleman could make up his mind on such a point at once, or in a moment. There was a great deal of evidence given by Col. Whitehead, but that was the only point upon which it was very material to mention, and he thought it was sufficient to prove that Mr. Vansittart did not state what Mr. B. had mentioned<sup>222</sup>. Now he did not say that evidence gave the lie to Mr. Brown, because he did not want to use harsh language, but it certainly made it of no value. He would next call the attention of the House to the testimony of Mr. Deedes, who, the Inspector General would himself admit was a man of the highest respectability of character.<sup>223</sup> What did Col. Deedes say? He said that Brown attended as the Agent of Mr. Hincks, that Mr. Vansittart did not make use of this language: "I have decided the point in your favor, and shall hold Mr. Hincks' qualification to be good for the present occasion, and leave other parties to give a decision elsewhere." Now thus was the deliberate statement of Col. Deedes given without confusion, given calmly, and given without being influenced by any political or party feeling.<sup>224</sup> This was the evidence of a man confident and careful of the respectability of his character, who coolly and quietly contradicted Mr. Brown's evidence, and asserted that if the language attributed to Mr. Vansittart had been used by him, he could not avoid hearing it. The remainder of the evidence went to show the extreme violence of Mr. Brown, which was not at all surprising

certainly, as he could affirm, having enjoyed the bounty of three severe contests in his county--anything short of blows was moderation in the excitement.--<sup>225</sup> A great deal of importance had been attached to the point that Mr. Vansittart had acted under advice, but he had stated that it was not true, and that it was not true that he told George Brown so; those were the only two material points in Col. Deeds' evidence, and he would just make one upon Mr. Millar's a young gentleman who could not be suspected of being influenced by any party feeling for he actually did not know any of the contending parties. This gentleman, who was a young lawyer then living at Toronto, and who was then just visiting Woodstock with a view of practising there, chanced to ride with Mr. Brown at Hamilton, and had some conversation with him there. And what did Mr. Millar tell them? That he left him to believe that Mr. Vansittart acted corruptly? Quite the reverse. Mr. Brown told him all about the elections, and said that he believed that Mr. Vansittart had acted according to the best of his judgment but that he had been misled by the hon. Mr. Cameron; and then there was the affidavit of Mr. Foquett, and he says that Mr. Vansittart required time to give his opinion to decide the point, and that upon no occasion did Mr. V. say that he would leave it to be decided elsewhere. That was the nature of the testimony brought by Mr. Vansittart to rebut that of Mr. Brown, which, he believed, had been brought to prove that Mr. Vansittart had acted contrary to law and in defiance of all law. And had not the testimony fully made out that he had not ...; the evidence of Brown would be well weighed, and he called them to say, whether it was true? If they could believe that Mr. Vansittart said that he had decided the point in his favor that he would hold Mr. Hincks' qualification good for that occasion, and that he would have the other parties to apply for a decision elsewhere. If they decided that he did they decided in the face of the testimony; they were bound to give Mr. Vansittart the benefit of the testimony, and Brown himself had admitted, when everything was fresh to his memory, when he heard that Mr. Vansittart was charged with acting corruptly that he did not act corruptly but that he, Brown, believed that he had been misled by Solicitor-General Cameron--then were they to pronounce that Mr. Vansittart had acted corruptly, and if he had not done so, are they to declare that he had acted illegally and in defiance of all law, in manifest violation of the rights of the electors of the said county, and in breach of the privilege of the House, might not a man violate the law without acting corruptly; and did not many violate the law without doing so.<sup>226</sup> There were a thousand similar instances, in which men violated the law; but for which they ought not to be punished.<sup>227</sup> If they supposed him, (Col. P.) going across a farm field of buckwheat with a couple of setters and his gun, would he not be violating the law; and would be therefore charged with acting corruptly?<sup>228</sup> But it ought not to be supposed that he desired to irritate his neighbor's feelings, or to defy the law. He might very possibly do so in ignorance of the law.<sup>229</sup> If it could be shown that Mr. Vansittart had acted wrong intentionally, then he (Col. P.) was prepared to support the resolution but he must say, that before they could declare that he had done so, they must be satisfied that he acted wrongly intentionally.<sup>230</sup> Let the House bear in mind how tenacious Mr. Vansittart had shewn himself of his honour and character. It must be plain to any one who heard that gentleman speak, that he valued this consideration far more highly than any paltry fine or loss of office. He was not then likely to have acted corruptly.<sup>231</sup> And he would urge them not to be affected by the remarks of the hon. member



for Middlesex, which he was sorry to hear<sup>232</sup> ((and)) which seemed to impute blame on Mr. Vansittart because he sprung from illustrious family. He did not believe this was said advisely, for he did not believe the hon. member himself came from a plebeian stock, nor did he doubt that, like all Scotchmen, he was proud of his origin. It was all very well to talk of home-spun farmers, and home-spun coals at agricultural dinners; he had done so himself, but though home-spun farmers were often of more value to the country than gentlemen with black coats, he would desire to have home-spun farmers made Returning Officers, when well-bred gentlemen, of intelligence and education, and honesty equal to the others, could be had to do the business. Except when addressing the Speaker, the Judges in Court, or when worshipping his Creator, he always wore home-spun, and fancied himself in a black coat, much like a hog in armour. He would not press that point; he was convinced there was enough of aristocratic feeling in that House to support the conviction, which long experience had taught him prevailed everywhere--in the United States as well as in England among all classes of the community--that for honesty and honour there could be no better guarantee than gentlemanlike education and feeling. Mr. Vansittart was descended from an Admiral in Her Majesty's Navy, who many years before came to Canada, and there lived and died. He had spent thousands and tens of thousands of pounds in improving that part of the country; his estate extended miles along the road, and hundreds of people shared in the wages which he distributed, while not a breath of censure was ever heard against him.<sup>233</sup> It was, the hon. member continued, his son they were now sitting in judgment upon, and on whom they were going to pass a sentence which would seriously affect his character.<sup>234</sup> It was not reasonable to suppose that Mr. Vansittart had acted corruptly, though perhaps he acted erroneously in taking votes which he ought to have rejected. But was he to be punished for having erred when beset by doubts and difficulties, which puzzled more learned heads. Even the Attorney General (West) had voted in this very case against the summary manner in which the hon. member for Middlesex got rid of Mr. Carroll's return. The honourable member for Glengarry and the honourable member for Norfolk, to whose legal opinion all parties frequently deferred, also voted against the majority. If these high legal authorities then differed from the hon. member for Middlesex on a point of far less difficulty, ought not some allowance to be made for Mr. Vansittart? Might not Mr. Vansittart, even if wrong, have believed that he was right? If so, upon what principle would they disgrace and condemn him?<sup>235</sup> He would not detain the House any longer, he would hear what other members said upon the subject. He was not so much wedded to his opinion that he might not alter it if he was convinced it was erroneous. He had endeavoured to apply his mind to the evidence as he was in the habit of doing in Courts of Law; and his conviction was that the testimony of Brown was erroneous, and that the evidence of Mr. Vansittart acquitted him of any intention to do wrong, and he thought he should therefore be sent away from the bar, free from any stain on his character.<sup>236</sup>

MR. INSP. GEN. HINCKS said, that under any circumstances he would have deemed it his duty to take an early part in the present discussion; the hon. gentlemen opposite, during the course of the debate, had referred to him as being virtually the prosecutor in this case, because he had felt it his duty to take rather an active part in the examination of the witnesses, who had been summoned to the bar. The resolution already adopted by the House had been referred to more than once<sup>237</sup> by the hon. Member for Essex

to have been part (sic) rather irregularly and prematurely declared<sup>238</sup>. That resolution declared "That John George Vansittart, Esquire, the Returning Officer at the last election for the County of Oxford, having taken upon himself to return Peter Carroll, Esquire, as member for the said County to serve in this present Parliament, contrary to the majority of votes received by him on the poll book in favor of the Hon. Francis Hincks, who ought therefore to have been returned, acted illegally, in defiance of law, in manifest violation of the rights of the freeholders of the said County, and in breach of the privileges of the House." That resolution had been already adopted by a large majority of the House, and he put it to the House whether it would be a proper thing, after such a decision had been come to; declaring that the rights and privileges of the freeholders of the County of Oxford had been grossly interfered with; that he (Mr. Hincks) standing there as their representative, should take not part in the discussions, when the person who had acted in the illegal manner had been heard at the bar, for a long time, in his defence, had an opportunity given him of producing witnesses, and vindicating his conduct; was he, who stood there as representative of the parties who had been injured, to be silenced? He did not believe there was an hon. member on the floor of the House, who would not see that it was his (Mr. Hincks') bounden duty to come forward on this occasion and represent what he believed to be the feelings of those who had sent him there. (Hear, hear.) Evidence had been adduced to prove that he (Mr. Hincks) had expressed an opinion to one of the witnesses that he was influenced by no personal feeling towards Mr. Vansittart, and desired that he should get off as lightly as possible. Such a conversation might probably have taken place between himself and the witness, although he (Mr. Hincks) had no recollection of it, but it corresponded exactly with his feelings in the matter. (Hear, hear.) He was not influenced--if he knew his own heart--by any personal feelings towards Mr. Vansittart. (Hear, hear.) He never had been, and if he had any personal feeling on the subject, he should desire him to get off without punishment, but he had a public duty to perform--the House had a duty to perform, not to the electors of the County of Oxford only, but to the whole people of United Canada. (Hear, hear.) In the discharge of that duty, it was imperative on the House to vindicate the rights and privileges of the electors of Canada, by inflicting a signal punishment on the present occasion, a punishment as would prevent a repetition on a future occasion of conduct such as had been perpetuated, not only at the last general election, but at the election previous to that, and at all the elections which he could remember in Upper Canada at least, and he believed that similar conduct had been pursued in Lower Canada also. (Hear, hear.) With regard to the resolution already adopted by the House, and which it was not proposed to renew, he had never been able to see any inconsistency whatever in the course taken by the House in passing it. (Hear, hear.) He conceived that, without hearing one word from Mr. Vansittart, Mr. George Brown, or Messrs. Deedes and Whitehead, the facts contained in the poll-books, viz., that an election was held in the County of Oxford; a poll-book opened, and a large majority of votes recorded in his (Mr. Hincks') favour; that Mr. Vansittart, notwithstanding, returned another person as member for the county; that these facts, and his own letters accompanying the return, were sufficient to warrant the House in coming to the resolution; that in taking that course Mr. Vansittart acted illegally, in defiance of law, in manifest violation of the rights of the Freeholders, and in breach of privileges of the House.



(Hear, hear.) Having adopted that resolution, what was the next step? To hear Mr. Vansittart's explanation; to see if he could bring forward anything to mitigate the punishment for his offence; that he conceived was the object of sending for him, not to determine whether his conduct was illegal; they were satisfied of that already; but whether there were any extenuating circumstances which should induce the House to visit his offence with a slight punishment. He conceived, therefore, that there was no inconsistency in the course pursued by the House, and he did not see how hon. gentlemen--no matter what they might think with regard to the ulterior proceedings to be taken against Mr. Vansittart--who believed him to have acted illegally, could avoid supporting the resolution now before the House. (Hear, hear.) The hon. member for Essex had referred, at the commencement of his speech, to the hon. member for Middlesex, as appearing there as an advocate, and lectured him very severely on the subject. He seemed to consider that those on his (Mr. Hincks')<sup>239</sup> side of the House ... ((sat)) there as advocates, and not as judges, and wished to make it appear that they were so prejudiced as to be incapable of deciding on the question fairly and calmly, but if they were prejudiced on his side, of the House, were all the members on the opposite side of the House entirely free from prejudice and political feelings upon the question.<sup>240</sup>

COL. PRINCE denied that he had applied the expression to any one but the member for Middlesex.<sup>241</sup>

MR. INSP. GEN. HINCKS continued.--But even assuming that they were to a certain extent prejudiced, he put it to the hon. gentlemen opposite whether they could in candour say that they and his side of the House were any more likely to be prejudiced, than the hon. gentlemen opposite--some of whom were those in whose behalf this return was made--(hear, hear)--who holding the delicate position they did as members of an Administration, on its trial before the country, advised Mr. Vansittart to take the course which he did, and who could not feel that that return was made in their interest and for their benefit.--<sup>242</sup>

Loud cries of "H," hear, hear.<sup>243</sup>

MR. INSP. GEN. HINCKS ((continued:))--and whether they were not just as likely therefore to be prejudiced against him!--(Hear,) The hon. member for Essex had gone very fully into the merits of the question and had defended the course taken by Mr. Vansittart, although on one very important particular he thought Mr. Vansittart acted perfectly right. The hon. gentleman stated--he would give his words as reported in the newspapers:--

"But leaving that point, he would proceed to reminding the House that a law was passed in the 4 and 5 Vic., which provided that in case a candidate be prevented by illness or other unavoidable cause from attending the election, it should be lawful to send by an agent a declaration of his qualification with description of the property in respect of which he was qualified. It was his duty, as a Judge, to represent these facts to his brother Judges, in order that they might consider if Mr. Vansittart had probable cause for the course he pursued. The declaration of qualification handed in was good only if illness prevented the candidate from attending; and it was on that ground that he (Col. Prince) stood alone on the Grenville Committee in his opinion that Mr. Vansittart did right. He said so still. Mr. Hinck's qualification was good for nothing unless he assigned some good reason for not attending personally."

The hon. member for Essex, might think it great presumption in him (Mr. Hincks) to venture to express an opinion on a legal point; and not belonging to the legal profession he certainly advanced his opinion with great diffidence; but he must, nevertheless, take leave to say that he found nothing of the kind in the law; he found it stated in the preamble "And whereas it may happen that any candidate may from illness or other unavoidable causes be prevented from attending on the election, and the free choice of the electors be defeated unless provisions be made in that behalf," showing that the object of the statute was to prevent the free choice of the electors being defeated. He quoted this, however, to show how the hon. gentleman had read one part of the preamble, but suppressed another.--<sup>244</sup>

COL. PRINCE.--"As it happens, I read those very words."<sup>245</sup>

MR. INSP. GEN. HINCKS then read the clause of the Statute providing for the production of the declaration at the election. We were unable to catch the words of the clause. That, he said, was the enacting clause; the preamble gave the reason for making such an enactment. He would now read from an authority which the hon. member for Essex would, he trusted, acknowledge was entitled to some weight. The hon. member then read the following extracts from Dicarris on Statutes:--"The preamble to a statute usually contains the motives and inducements to the making of it; but it also has been held to be no part of the statute." In doubtful cases recourse may be had to the preamble, to discover the inducements the Legislature had to the making of the statute, but where the terms of the enacting clause are clear and positive, the preamble cannot be resorted to." And again, "The true meaning of the statute is generally and properly to be sought from the purview, or body of the Act. The preamble of a statute is no more than a recital of some inconveniences which by no means excluded any other, for, which a remedy is given by the enacting part of the statute. Great doubts have existed how far the preamble should control the enacting part of the statute; but abundant cases have established, that there the words in the enacting part are strong enough to take in the mischief intended to be prevented, though the preamble does warrant it, in other words, the enacting part of the Statute may extend the Act beyond the preamble." Now, from this it would appear perfectly clear, that the express purpose of this Act was to provide that the electors should have their free choice; and were they going, because they found certain words in the preamble reciting some of the inconveniences that had given rise to the passing of the Act, though the enacting clause was clear and plain, giving full power to every individual that he may deliver, or cause to be delivered, to the Returning Officer, a declaration made in this way, to say that they would limit the free choice of the electors?<sup>246</sup>

COL. PRINCE.--The "free choice" is part of the preamble, but you would throw over the preamble altogether.<sup>247</sup>

MR. INSP. GEN. HINCKS would throw it over most unquestionably, and rest on the enacting clause; but if the hon. gentleman referred to the preamble, to endeavor to limit the enacting clause which went beyond the preamble, then he should take the whole preamble, not a portion of it only. And in this case the preamble distinctly says that the object of the enactment was to prevent the free choice of the electors being defeated. The hon. member for Essex had more than once called upon him (Mr. H.) to account for his absence on the occasion of the election. This brought him to



another point involved in this question. The hon. member for St. Maurice was not only not present at the last election, but actually declined being a candidate. Just suppose what was not really the case--that he (Mr. H.) had not wished to be a candidate, did the hon. member for Essex mean to tell him that the electors of Oxford would have no right to elect him--that the people were to be restrained in the free choice of a representative in Parliament? The hon. member for St. Maurice published an address declining to be a candidate, and yet, in defiance of his request not to be considered a candidate, the electors of St. Maurice published an address declining to be considered a candidate, the electors of St. Maurice thought proper to return him to Parliament, although he was absent from the election. Many other similar cases could be cited. The present Attorney Gen. West was in 1843 put in nomination for the West Riding of York, and was made candidate in his absence and contrary to his wishes. The same thing occurred to his hon. and learned friend the Attorney Gen. East, who was elected for the Fourth Riding of York in his absence. Nothing was more common in England than for such cases to occur. Why, the very last mail brought intelligence of the election of Lord Stanley's son for the borough of Lynn in his absence, and while he was travelling on this Continent. The effect of such a construction of the law as the hon. gentleman opposite put on it, would be to limit the rights of the electors, and prevent them from making a free choice. He did not conceive that the hon. member for Essex had any right to call upon him, in this House, to explain the reasons of his not being present at the election; that was a matter between himself (Mr. Hincks) and those who elected him. If they thought proper to waive his presence, and elect him in his absence, it was their own affair, and could not at all affect this question; he maintained that the statute did not require the presence of the candidate under any circumstances. (Hear, hear.) The hon. member for Essex--if he understood him alright--had stated that so far as the date of the qualification went, it was to be received as being of the day on which it was presented; but he took objection to his (Mr. Hincks') not being a candidate, as Parliament was not dissolved at the time his qualification was dated; this was just the reverse of the reasons which influenced Mr. Vansittart in the return he made on that occasion. He stated, first of all, to the Clerk of the Crown in Chancery:--"I declare the votes given for the Hon. Francis Hincks thrown away, and he is ineligible in consequence of his qualification having been sworn to before the Writ of Summons issued; and because it was not shown that he was incapacitated by sickness, or any other unavoidable cause, from attending in person on the day of nomination to make oath of declaration of qualification as demanded; and I further declare, that Peter Carroll, Esq., having the majority of legal votes, is duly elected member to represent this County of Oxford, in the ensuing Provincial Parliament." Mr. Vansittart did not himself declare to attempt any quibble on the meaning of the word "candidate." He rested upon the fact that the qualification was dated before the issuing of the writ of election; but was it not a notorious fact that in England persons were constantly candidates for seats before there was a vacancy in the representation? They became candidates in case of a vacancy taking place. His hon. friend the Solicitor General West, became a candidate for the East Riding of York before he left for Europe, where he was compelled to go on account of ill health; the electors knew that would contest the county, and so it was in the County of Oxford. It was perfectly understood by the party who had supported him (Mr. Hincks) in that county

on former occasions that he would come forward again to content it on the same principles, in the event of a general election. He was in fact a candidate several months before the dissolution took place. Hon. members talked of the word "candidate," but what was the common acceptance of the term? Hon. gentlemen opposite, who had been in the Government, knew that there were often many hundreds of candidates for offices before they were vacant. (Hear, hear.)<sup>248</sup>

MR. J. A. MACDONALD (Kingston).--How many candidates are there for the Inspectorship in the County of Oxford, now held by Mr. Vansittart?--<sup>249</sup>

Loud cries of "Hear, hear," from the Opposition.<sup>250</sup>

MR. INSP. GEN. HINCKS was reminded by the hon. member for Middlesex that there was one candidate for that Office, and he was a strong political supporter and personal friend of the hon. gentleman opposite. (Cheers.) And, moreover, he could tell these hon. gentlemen, that if the lists of candidates were examined and inquired into, it would be seen that at least three-fourths of the candidates for office were supporters of theirs. (Cheers.) He contended, then, that it was very possible for a man to become a candidate for a seat before it was vacant, and that it was constantly done; their opponents could not support any argument on the point. (Hear, hear.) The hon. member for Essex had said a great deal about the two qualifications which had been produced on his (Mr. Hincks') behalf; but when he had explained the matter, even the hon. member would be satisfied on that score. The facts of the case were simply these:--When he was about to leave for Europe at the latter end of August, thinking that an election might possibly take place in his absence, although he had no reason to expect one, he got his learned friend, the Solicitor General East, to draw up a qualification; he (Mr. Hincks) signed the declaration, and made the affidavit before a magistrate in due form. On his return from Europe, he found that this qualification had been sent for by electors of Oxford, and forwarded by a member of his family. Honorable members must recollect that a candidate was required to make the declaration in the form prescribed by the Act. Now it struck him (Mr. H.) on his return home that in the hurry of the moment, a mistake might have been made, and the necessary declaration, in addition to that required by the Union Act, not sent. In order to make quite sure that there was no flaw in the declaration, he sent up a second declaration--not because he supposed the first one to be bad, for he should in that case have sent up a proper one the second time--but for fear of omission, and he accompanied it with a letter, telling them they could burn the second declaration in case there had been no omission in the first. The second qualification was merely produced by Mr. Brown for the purpose of satisfying any conscientious scruples which the Returning Officer might have as to his (Mr. Hincks') being possessed of the property on which he made the first declaration. He would not refer to the remark made by the hon. member for Essex relative to the property on which he (Mr. Hincks) qualified. Although a political opponent, he was sure the hon. member knew him too well to believe that he would swear to an affidavit that was not correct. (Hear, hear.) He felt perfectly convinced that his first qualification was perfectly good and legal, and in accordance with the act; and that to refuse such a qualification, was an interference with the rights and privileges of the electors. He now came to Mr. Vansittart's conduct on the occasion. The hon. and gallant member for Essex while he admitted



that Mr. Vansittart acted wrongly in receiving votes for him (Mr. H.) he could not conceive of an honest man taking the course which Mr. Vansittart had done. The hon. and gallant member opposite, (Col. Prince) he was aware, thought the decision of Mr. Vansittart correct regarding the qualification; and from the earnest manner in which that belief had been expressed he was bound to think him sincere. If his qualification was bad and Mr. Vansittart believed it to be so, why did he not reject it at once?-- or if he had only doubts in his mind that it was bad, he ought to have returned the person who had the majority of votes, and left the decision of the case to the members of the House. Assuming that Mr. Vansittart had been required to decide upon the question of qualification merely, that gentleman was not so ignorant as not to know that he had acted wrong, especially after he had read the words which Mr. Brown stated in his evidence he had used. If he had taken the straightforward and honest course of telling the electors from the hustings that he did not intend to take his (Mr. Hincks') qualification, the electors would have lost no time in bringing forward some other gentleman whose political sentiments were in accordance with their own. Such a course, as he had before stated, would have been fair towards the electors; but this, for reasons best known to himself, he had not done. Had he acted thus, it would have saved him the trouble of going from one lounge to another, as he said he had done, for the purpose of clearing away his doubts, as the declaring the person elected who had received the majority of votes, would have relieved him from all blame. But the practical effect of Mr. Vansittart's conduct was to disfranchise the electors of that important district; it was very well to be (sic) that he committed a mistake; but let them reflect what was the case in the last Parliament, and think what the effect of this proceeding would have been had the contest had been as close at the last election, as it was on that occasion. It was a matter of "public notoriety" that the County of Waterloo had been for the last four or five years, not only disfranchised but that actually a gentleman had been sitting in the House to misrepresent the views of the electors, and would any one pretend that justice had been done in the Co. of Middlesex? Thus, counties having 40,000 inhabitants had been misrepresented and disfranchised for four years--80,000 of the people of Canada while the Administration had been kept in office by the votes of Counties with some 2,000 and some 6,000 or 7,000 inhabitants. With regard to the County of Oxford they had heard from Mr. Vansittart himself, the principle on which he appointed Deputy Returning Officers; he felt that he had himself been appointed as a partizan of the Government, and therefore in every district he selected as his Deputy the most prominent opponent of Mr. Hincks. Mr. Hincks then referred to the attempts that had been made by the opposition to damage the testimony of Mr. George Brown, by representing it as that of a partial witness a strong partizan of his own. A great deal of abuse had been heaped on Mr. Brown whenever this question had come under discussion, but he (Mr. H.) was prepared now, and at all times, to defend the conduct of Mr. Brown, not only with regard to this election but on all other charges which had been adduced against him. What had been Mr. Brown's course with regard to this Oxford Election? At that time, a misunderstanding had occurred between himself and Mr. George Brown; the result of which was that they were not even on speaking terms; and yet, notwithstanding this, Mr. Brown acting under a high sense of public duty, went up to the County of Oxford to procure the return of a person with whom he was not even on speaking terms! Did not that show that he had acted not from

personal motives, but as a public spirited man, sinking all private feelings on the occasion? Yet his testimony was to be rejected as that of a violent partizan, whilst that of Col. Whitehead, one of the leaders of the Conservative party in Oxford, and Col. Deedes, President of the Constitutional Society, was to be received as impartial and unbiased. ((He)) ... ((proceeded)) to comment at some length on the evidence<sup>251</sup>.

(75)

*And at six o'clock, P.M., pursuant to Order, the House was adjourned by Mr. Speaker, without a Question first put, till to-morrow.*



APPENDIX: 8 FEBRUARY 1849.

((REJECTED PETITION RE: UNPAID CLAIMS FROM REBELLIONS IN UPPER CANADA.))<sup>252</sup>

MR. H. BOULTON (Norfolk) moved to refer a petition, from a poor man in the town of Simcoe, who had made a large quantity of clothing for the militia during the late disturbances, without having received any remuneration.<sup>253</sup>

MR. AT. GEN. BALDWIN considered this a matter to be submitted to the military authorities instead of the Provincial Government; at any rate, he thought the recommendation of the Imperial Government should be obtained before it could be brought before the House.<sup>254</sup> OR This matter had been investigated by the Government, and they could not give their support to it. He felt himself bound to resist the motion.<sup>255</sup>

MR. H. BOULTON thought this a very hard case; there was a poor man in a small country place, to whom the amount involved was of considerable importance, however trivial it might be to persons largely concerned with Merchant Tailoring in this city. He made a considerable amount of clothing for the Militia force of his locality in the time of the Rebellion. At any rate it could do no harm to refer it to a Committee for their report.<sup>256</sup>

COL. PRINCE remarked that Commissioners had been appointed to investigate cases of this description. Did the present applicant submit his case to these functionaries?<sup>257</sup>

MR. H. BOULTON.--He did.<sup>258</sup>

COL. PRINCE.--Then they must conclude, that after the examination, they found that the claim was not good, inasmuch as those individuals were acting under oath. If this application succeeded, he himself would be asked to put forward 20 or 30 other claims of similar kind.<sup>259</sup>

MR. H. SHERWOOD (Toronto) spoke to the same effect.<sup>260</sup>

MR. INSP. GEN. HINCKS contended this was not an affair of the Provincial authorities. The course for the applicant was to lay his claim before the Home Government, who, if they recognized it, would doubtless recommend it to the Provincial and have justice done in the Province.<sup>261</sup>

The motion was rejected.<sup>262</sup>

FOOTNOTES: 8 FEBRUARY 1849.

1. MONTREAL GAZETTE, 9 February 1849.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. The debate on this matter was reported by: BATHURST COURIER, 16 February 1849; PILOT, 9 February 1849, copied by BRITISH WHIG, 13 February 1849, GLOBE, 14 February 1849, PACKET, 17 February 1849, and PROVINCIALIST, 19 February 1849, in identical accounts; MONTREAL GAZETTE, 12 February 1849, and HAMILTON SPECTATOR, 17 February 1849, in identical accounts except that HAMILTON SPECTATOR did not report Sherwood's speech; and BROCKVILLE RECORDER, 15 February 1849, copied from MONTREAL TRANSCRIPT. LA MINERVE, 13 February 1849, noted the debate. Commentaries appeared in LE JOURNAL DE QUEBEC, 10 February 1849, and MORNING CHRONICLE, 14 February 1849. Wherever possible, the very legible HAMILTON SPECTATOR will be reproduced instead of the MONTREAL GAZETTE, 9 February 1849.
8. PILOT, 9 February 1849.
9. HAMILTON SPECTATOR, 17 February 1849.
10. PILOT, 9 February 1849.
11. HAMILTON SPECTATOR, 17 February 1849.
12. PILOT, 9 February 1849.
13. HAMILTON SPECTATOR, 17 February 1849.
14. PILOT, 9 February 1849.
15. HAMILTON SPECTATOR, 17 February 1849.
16. PILOT, 9 February 1849.
17. IBID.
18. HAMILTON SPECTATOR, 17 February 1849.
19. PILOT, 9 February 1849.
20. HAMILTON SPECTATOR, 17 February 1849.
21. PILOT, 9 February 1849.
22. IBID.
23. IBID.
24. HAMILTON SPECTATOR, 17 February 1849.
25. PILOT, 9 February 1849.
26. IBID.
27. IBID.
28. HAMILTON SPECTATOR, 17 February 1849.
29. PILOT, 9 February 1849.
30. HAMILTON SPECTATOR, 17 February 1849.
31. PILOT, 9 February 1849.
32. HAMILTON SPECTATOR, 17 February 1849.
33. PILOT, 9 February 1849.
34. HAMILTON SPECTATOR, 17 February 1849.
35. PILOT, 9 February 1849.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.



42. HAMILTON SPECTATOR, 17 February 1849.
43. PILOT, 9 February 1849.
44. IBID.
45. IBID.
46. HAMILTON SPECTATOR, 17 February 1849.
47. PILOT, 9 February 1849.
48. HAMILTON SPECTATOR, 17 February 1849.
49. PILOT, 9 February 1849.
50. HAMILTON SPECTATOR, 17 February 1849.
51. PILOT, 9 February 1849.
52. HAMILTON SPECTATOR, 17 February 1849.
53. PILOT, 9 February 1849.
54. IBID.
55. IBID.
56. HAMILTON SPECTATOR, 17 February 1849.
57. PILOT, 9 February 1849.
58. HAMILTON SPECTATOR, 17 February 1849.
59. PILOT, 9 February 1849.
60. HAMILTON SPECTATOR, 17 February 1849.
61. PILOT, 9 February 1849.
62. HAMILTON SPECTATOR, 17 February 1849.
63. PILOT, 9 February 1849.
64. HAMILTON SPECTATOR, 17 February 1849.
65. PILOT, 9 February 1849.
66. HAMILTON SPECTATOR, 17 February 1849.
67. PILOT, 9 February 1849.
68. IBID.
69. HAMILTON SPECTATOR, 17 February 1849.
70. PILOT, 9 February 1849.
71. HAMILTON SPECTATOR, 17 February 1849.
72. PILOT, 9 February 1849.
73. HAMILTON SPECTATOR, 17 February 1849.
74. IBID.
75. PILOT, 9 February 1849.
76. HAMILTON SPECTATOR, 17 February 1849.
77. IBID.
78. IBID.
79. PILOT, 9 February 1849.
80. IBID.
81. IBID.
82. HAMILTON SPECTATOR, 17 February 1849.
83. PILOT, 9 February 1849.
84. HAMILTON SPECTATOR, 17 February 1849.
85. PILOT, 9 February 1849.
86. HAMILTON SPECTATOR, 17 February 1849.
87. PILOT, 9 February 1849.
88. IBID.
89. MONTREAL GAZETTE, 12 February 1849.
90. PILOT, 9 February 1849.
91. MONTREAL GAZETTE, 12 February 1849.
92. PILOT, 9 February 1849.
93. MONTREAL GAZETTE, 12 February 1849.
94. PILOT, 9 February 1849.
95. MONTREAL GAZETTE, 12 February 1849.

96. PILOT, 9 February 1849.
97. MONTREAL GAZETTE, 12 February 1849.
98. PILOT, 9 February 1849.
99. HAMILTON SPECTATOR, 17 February 1849.
100. IBID.
101. PILOT, 9 February 1849.
102. HAMILTON SPECTATOR, 17 February 1849.
103. IBID.
104. PILOT, 9 February 1849.
105. HAMILTON SPECTATOR, 17 February 1849.
106. PILOT, 9 February 1849.
107. HAMILTON SPECTATOR, 17 February 1849.
108. IBID.
109. PILOT, 9 February 1849.
110. HAMILTON SPECTATOR, 17 February 1849.
111. PILOT, 9 February 1849.
112. HAMILTON SPECTATOR, 17 February 1849.
113. IBID.
114. PILOT, 9 February 1849.
115. HAMILTON SPECTATOR, 17 February 1849.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. IBID.
123. PILOT, 9 February 1849.
124. HAMILTON SPECTATOR, 17 February 1849.
125. PILOT, 9 February 1849.
126. HAMILTON SPECTATOR, 17 February 1849.
127. PILOT, 9 February 1849.
128. HAMILTON SPECTATOR, 17 February 1849.
129. PILOT, 9 February 1849.
130. HAMILTON SPECTATOR, 17 February 1849.
131. PILOT, 9 February 1849.
132. HAMILTON SPECTATOR, 17 February 1849.
133. PILOT, 9 February 1849.
134. HAMILTON SPECTATOR, 17 February 1849.
135. PILOT, 9 February 1849.
136. HAMILTON SPECTATOR, 17 February 1849.
137. PILOT, 9 February 1849.
138. HAMILTON SPECTATOR, 17 February 1849.
139. PILOT, 9 February 1849.
140. HAMILTON SPECTATOR, 17 February 1849.
141. IBID.
142. PILOT, 9 February 1849.
143. HAMILTON SPECTATOR, 17 February 1849.
144. PILOT, 9 February 1849.
145. HAMILTON SPECTATOR, 17 February 1849.
146. PILOT, 9 February 1849.
147. HAMILTON SPECTATOR, 17 February 1849.
148. PILOT, 9 February 1849.
149. HAMILTON SPECTATOR, 17 February 1849.
150. PILOT, 9 February 1849.



151. HAMILTON SPECTATOR, 17 February 1849.
152. PILOT, 9 February 1849.
153. HAMILTON SPECTATOR, 17 February 1849.
154. IBID.
155. PILOT, 9 February 1849.
156. HAMILTON SPECTATOR, 17 February 1849.
157. PILOT, 9 February 1849.
158. HAMILTON SPECTATOR, 17 February 1849.
159. PILOT, 9 February, 1849.
160. HAMILTON SPECTATOR, 17 February 1849.
161. PILOT, 9 February 1849.
162. HAMILTON SPECTATOR, 17 February 1849.
163. PILOT, 9 February 1849.
164. HAMILTON SPECTATOR, 17 February 1849.
165. IBID.
166. IBID.
167. PILOT, 9 February 1849.
168. HAMILTON SPECTATOR, 17 February 1849.
169. PILOT, 9 February 1849.
170. HAMILTON SPECTATOR, 17 February 1849.
171. PILOT, 9 February 1849.
172. HAMILTON SPECTATOR, 17 February 1849.
173. PILOT, 9 February 1849.
174. HAMILTON SPECTATOR, 17 February 1849.
175. PILOT, 9 February 1849.
176. HAMILTON SPECTATOR, 17 February 1849.
177. PILOT, 9 February 1849.
178. HAMILTON SPECTATOR, 17 February 1849.
179. PILOT, 9 February 1849.
180. HAMILTON SPECTATOR, 17 February 1849.
181. PILOT, 9 February 1849.
182. HAMILTON SPECTATOR, 9 February 1849.
183. PILOT, 9 February 1849.
184. IBID.
185. HAMILTON SPECTATOR, 17 February 1849.
186. MONTREAL GAZETTE, 9 February 1849.
187. IBID.
188. IBID.
189. IBID.
190. IBID.
191. The debate on this matter was reported by: MONTREAL GAZETTE, 9 February 1849; PILOT, 9 February 1849, and GLOBE, 17 February 1849, in identical accounts; and LA MINERVE, 13 February 1849, and BATHURST COURIER, 9 February 1849, which noted the debate. Commentaries may be found in LE JOURNAL DE QUEBEC, 10 February 1849, and HAMILTON SPECTATOR, 17 February 1849.
192. MONTREAL GAZETTE, 9 February 1849.
193. PILOT, 9 February 1849.
194. MONTREAL GAZETTE, 9 February 1849.
195. PILOT, 9 February 1849.
196. MONTREAL GAZETTE, 9 February 1849.
197. PILOT, 9 February 1849.
198. MONTREAL GAZETTE, 9 February 1849.
199. PILOT, 9 February 1849.

200. MONTREAL GAZETTE, 9 February 1849.
201. PILOT, 9 February 1849.
202. MONTREAL GAZETTE, 9 February 1849.
203. PILOT, 9 February 1849.
204. MONTREAL GAZETTE, 9 February 1849.
205. PILOT, 9 February 1849.
206. MONTREAL GAZETTE, 9 February 1849.
207. IBID.
208. IBID.
209. PILOT, 9 February 1849.
210. MONTREAL GAZETTE, 9 February 1849.
211. PILOT, 9 February 1849.
212. MONTREAL GAZETTE, 9 February 1849.
213. PILOT, 9 February 1849.
214. MONTREAL GAZETTE, 9 February 1849.
215. PILOT, 9 February 1849.
216. MONTREAL GAZETTE, 9 February 1849.
217. PILOT, 9 February 1849.
218. MONTREAL GAZETTE, 9 February 1849.
219. PILOT, 9 February 1849.
220. MONTREAL GAZETTE, 9 February 1849.
221. PILOT, 9 February 1849.
222. MONTREAL GAZETTE, 9 February 1849.
223. PILOT, 9 February 1849.
224. MONTREAL GAZETTE, 9 February 1849.
225. PILOT, 9 February 1849.
226. MONTREAL GAZETTE, 9 February 1849.
227. PILOT, 9 February 1849.
228. MONTREAL GAZETTE, 9 February 1849.
229. PILOT, 9 February 1849.
230. MONTREAL GAZETTE, 9 February 1849.
231. PILOT, 9 February 1849.
232. MONTREAL GAZETTE, 9 February 1849.
233. PILOT, 9 February 1849.
234. MONTREAL GAZETTE, 9 February 1849.
235. PILOT, 9 February 1849.
236. MONTREAL GAZETTE, 9 February 1849.
237. PILOT, 9 February 1849.
238. MONTREAL GAZETTE, 9 February 1849.
239. PILOT, 9 February 1849.
240. MONTREAL GAZETTE, 9 February 1849.
241. PILOT, 9 February 1849.
242. IBID.
243. IBID.
244. IBID.
245. IBID.
246. IBID.
247. IBID.
248. IBID.
249. IBID.
250. IBID.
251. IBID.
252. The debate on this matter was reported by: MONTREAL GAZETTE, 9 February 1849; PILOT, 9 February 1849, copied by BRITISH WHIG, 13 February 1849, GLOBE, 14 February 1849, PACKET, 17 February 1849, and



- PROVINCIALIST, 19 February 1849, in identical accounts.
253. PILOT, 9 February 1849.
254. MONTREAL GAZETTE, 9 February 1849.
255. PILOT, 9 February 1849.
256. MONTREAL GAZETTE, 9 February 1849.
257. IBID.
258. IBID.
259. IBID.
260. IBID.
261. IBID.
262. PILOT, 9 February 1849.

FRIDAY, 9 FEBRUARY 1849.

(75)

Bank of British  
North America.

MR. SPEAKER laid before the House, a Statement of the Affairs of the Canadian Branches of the Bank of British North America, received in conformity to an Order of this House, of the twenty-fifth ultimo.

Appendix (P.)

For the said Statement, see Appendix (P.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Duchesnay,--The Petition of Michael Scott and others, of the vicinity of the River du Cap Rouge.

By Mr. Armstrong,--The Petition of Robert Shedden, of the City of Montreal; the Petition of the Reverend F. T. Lahaye and others, of the Village of Industrie, County of Berthier; and the Petition of the Reverend F. T. Lahaye, Director of Joliette College, in the Village of Industrie, County of Berthier.

By Mr. Egan,--The Petition of Samuel W. Smith and others, creditors of the late Municipal Council of the District of Sydenham.

By Mr. Guy,--The Petition of Matthew Bostwick, of the Town of Sherbrooke.

By Mr. Taché,--The Petition of the Reverend P. F. Durocher, in behalf of the Montagnais Indians.

By the Honorable Mr. Macdonald,--The Petition of the University of Queen's College, Kingston; the Petition of the Board of Trustees, Queen's College, Kingston; and the Petition of James Sparks and others, of the County of Frontenac.

By Mr. Smith, of Frontenac,--The Petition of the Very Reverend Arch-deacon, Stuart and others, of Lot No. 24, in the vicinity of Kingston.

By Mr. Wilson,--The Petition of Luman Thornton and others, of the Township of Blanchard.

By Mr. Holmes,--The Petition of Benjamin Workman, Esquire, and others, of the City of Montreal, and its vicinity.

By Mr. Cartier,--The Petition of Joseph Ainsse, Esquire, and others, of the County of Verchères.

By Mr. Chauveau,--The Petition of Ebenezer Baird, Esquire, and others, of the City of Quebec; and the Petition of William Phillips, of Quebec, Esquire.

By Mr. Christie,--The Petition of the Municipal Council of the second division of the County of Bonaventure.

Petition of J.  
Aumond and  
others.

Resolved, That the Petition of Joseph Aumond and others, of the County of Ottawa, be referred to a Select Committee composed of Mr. Egan, Mr.

Chauveau, Mr. Scott, of Bytown, Mr. Scott, of Two Mountains, Mr. Lyon, Mr. Flint, Mr. Malloch, the Honorable Mr. Cameron, of Kent, the Honorable Mr. Robinson, and Mr. Bell, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of LeMesurier  
Tilstone and  
Company and  
others.

Ordered, That the Petition of Messieurs LeMesurier, Tilstone and Company, and others interested in the Timber Trade, be referred to the said Committee.



Of B. Bowman  
and others,  
referred.

Ordered, That the Petition of Baxter Bowman, Esquire,  
and others, interested in the Timber Trade, be  
referred to the said Committee.

M'Collom's  
Road Allow-  
ance Bill.

Ordered, That Mr. Wetenhall have leave to bring in  
a Bill to vest a certain Road allowance in the  
Township of Nelson, in John S. M'Collom.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

St. Andrew's  
Church Bill.

Ordered, That Mr. Holmes have leave to bring in a  
Bill to incorporate "The Minister and Trustees  
of St. Andrew's Church, Montreal."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Montreal Bank  
Bill.

Ordered, That Mr. Holmes have leave to bring in a  
Bill to extend the time limited for an increase  
of the Capital Stock of the Bank of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Bill respecting  
Lands for Slides.

Ordered, That the Honorable Mr. Cameron, of Kent,  
have leave to bring a Bill to enable persons  
to obtain Lands necessary for the construction

of Slides, in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Montreal  
Turnpike  
Roads Act.

Mr. Lyon, from the Committee to consider the  
expediency of amending the Montreal Turnpike Roads  
Act, reported a Resolution; which was read, as  
followeth:--

Resolved, That it is expedient that one half of the present Tolls payable  
at the different Turnpike Gates in the neighbourhood of Montreal, should  
be paid on passing, and the other half on repassing through the said  
Gates.

The said Resolution being read a second time, was agreed to.

Montreal  
Turnpike  
Roads Bill.

Ordered, That Mr. Scott, of Two Mountains, have  
leave to bring in a Bill to amend the Acts and  
Ordinances relative to the Montreal Turnpike  
Roads.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Oxford  
Election.

The Order of the day being read, for resuming  
the adjourned Debate upon the Question proposed on  
Tuesday last, That this House having heard the evi-  
dence adduced on the part of John George Vansittart, Esquire, in defence of

*his conduct as Returning Officer for the County of Oxford at the last General Election, adheres to its Resolution of the 21st March last, "That the said John George Vansittart, Esquire, having taken upon himself to return Peter Carroll, Esquire, as a Member for the said County to serve in this present Parliament, contrary to the majority of votes received by him on the Poll Book in favor of the Honorable Francis Hincks, who ought therefore to have been returned, acted illegally, in defiance of law, in manifest violation of the rights of the freeholders of the said County, and in breach of the privileges of this House."*

(76)

*And the Question being again proposed:--The House resumed the said adjourned Debate.*

*Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Macdonald, That the words "but this House, at the same time, are of opinion that such illegal conduct on the part of John George Vansittart, Esquire arose from an error of judgment," be added at the end thereof.*

*And the Question being proposed, That those words be there added:--And a Debate arising thereupon;<sup>1</sup>*

MR. INSP. GEN. HINCKS, who had possession of the floor when the house adjourned on the preceding evening, rose to proceed with his comment on the evidence<sup>2</sup> in regard to the case of Mr. Vansittart.<sup>3</sup> A great deal had been said respecting the alleged discrepancy between the evidence of Mr. George Brown and Col. Whitehead; but he asked hon. members to reflect calmly on the circumstances of the case, and see what the discrepancy amounted to. When his (Mr. H.'s) qualification was handed to the returning officer, great confusion existed,--Mr. Carroll's friends, on the one hand, were arguing that it was bad, and urging the returning officer to reject it at once; on the other hand, Mr. George Brown was arguing that the qualification was good. That was the position of the contending parties. Mr. George Brown alleged at the bar of the house, that the returning officer declared, "I shall hold Mr. Hincks' qualification to be good for the present occasion," and, as I understood it, he said he would leave the other parties to have a decision elsewhere. Well, then, Col. Whitehead came to the bar and said, that he did not hear anything of the sort; but that there was great confusion going on at the time--he did not state positively that the words had not been said; but only that he had not heard them. Mr. Vansittart had practically done what Mr. Brown stated he had said he would do, he had decided the points in Mr. Hincks' favor in admitting him to be eligible as a candidate, and receiving votes for him. The next point to which he would call attention, was the conduct of Mr. Vansittart with respect to the aliens, or rather those who had been born in the United States, and been naturalized by the laws of this province--to this point he desired to call the particular attention of the house, for it was, in his opinion, one of the strongest points against Mr. Vansittart. It would be recollected that Mr. Brown was asked in his evidence, "Did the returning officer send circulars to his deputies?" He answered "he called at my house during the progress of the election, and I then took occasion to show him if possible, that his instructions were illegal, and likely to prove very injurious to Mr. Hincks' interests. He stated he had taken legal advice on the subject, and that had been his mature decision. I then called his attention to the proclamation which had just appeared in the Royal Gazette, extending the alien act for a further period, and required him,



as he had already sent one circular, that he would send another, bringing under the notice of his deputies the proclamation in the Royal Gazette. He had said he could not do that, as it would be taking a side, and refused to comply with the request. In his (Mr. Hincks') opinion, Mr. Vansittart acted very improperly in sending any circulars to the Deputy Returning Officers on this subject. It was stated by Col. Whitehead that Mr. Vansittart's instructions were considered by him incorrect, he therefore made no use of them; but, having interfered to send one circular on the subject, it would surely be admitted upon all hands that it was his duty to bring under the notice of his deputies an act of parliament which so much affected the rights and privileges of the electors of the county? (Hear, hear.) But no, he refused to call attention to the proclamation of that act in the Gazette, because it would be taking sides, or rather because it would be favorable to the interests of the liberal party in the county. They had it established in evidence, both by Mr. Brown and Col. Whitehead, that Mr. Vansittart did send circulars to his deputies. Mr. Brown said the directions were illegal, and likely to be injurious to Mr. Hincks' interest. Col. Whitehead appeared at the bar, but, instead of bringing down a copy of the circular which was in his possession, and which he could easily have done, he endeavoured to represent that it would not have an effect favourable to his (Mr. Hincks') interest, but prejudicial to them. Col. Whitehead in his evidence, in reply to the question "Did you at the last election admit the votes of persons who came into the province before 1820 on their taking the oath of allegiance, or would you have admitted such votes if offered?" had stated, "Persons who came into the province before 1820, and produced a certificate of having taken the oath of allegiance before a commissioner duly authorized to administer such oath; and all those who came in after March 1820, and produced the county register certificate, I would have recorded these votes; and on the first day of election I would not have taken the vote of any other class of aliens. On the afternoon of the second day of the election, I would have recorded the votes of all aliens who came within provisions of the proclamation relating to aliens, and that day received by me." From this, it was evident that had Mr. Vansittart complied with Mr. Brown's request, and forwarded instructions to his deputies concerning the proclamation of the Alien Act in the Gazette, these votes would have been received on the first as well as on the second day of polling, and the electors would not have been defrauded of their rights. The proclamation appeared on the 4th Dec., 1847; the polling did not take place until the 4th Jan., 1848; there was, therefore, ample time for the contents of the proclamation to be communicated. There was another discrepancy to which he desired to call attention, Mr. V. stated at the bar as one reason why he did not at once decide on his (Mr. H.'s) qualification, that he was expecting that a second qualification would be sent up from Mr. Hincks, which he said he should have been bound to receive, and he did not, therefore, wish to preclude Mr. Hincks from being a candidate; but a reference to Mr. Vansittart's letter would show that when Mr. Brown presented the second declaration, Mr. V. said, according to his own account, that he held it to be useless, as being too late, &c. Here was a glaring inconsistency between his own testimony at the bar and his letter to the Clerk of the Crown in Chancery. He (Mr. H.) did not intend to comment at any greater length on the evidence that had been adduced, but before sitting down he felt bound in justice to Mr. George Brown, to state that that gentleman had written to the hon. member for Middlesex, urging that he should in justice to him, as his testimony had been impeached, send for

six or eight individuals whom he named, to give evidence in the case. He (Mr. H.) was however of opinion that it would be only protracting the proceedings, as nothing whatever had been adduced to Mr. Vansittart's evidence that had in the smallest degree impeached the testimony of Mr. Brown. (Hear, hear.) The only point attempted to be impeached was relative to what took place respecting Mr. Hincks qualification, and the language of Mr. Vansittart on the occasion. He had already shown that the discrepancy between the testimony of the two witnesses was most trifling, and that Mr. Vansittart had practically done what Mr. Brown asserted he would do, viz., hold Hincks' qualification to be good for the occasion, and left the matter to be decided hereafter. At any rate he would just as soon believe Mr. George Brown's testimony as Col. Whitehead's, and he surely denied that the hon. gentleman opposite had any right to attempt to set aside Mr. Brown's evidence, because it did not entirely coincide with Col. Whitehead's. (Hear, hear.) He had thus gone over the principal points of the case. He maintained that his original qualification was good and legal. That the quibble about the word "candidate" in the act, could not apply to one in his (Mr. Hincks') position at the time of his qualification being drawn up. It was not tenable, as it was notorious, that persons constantly became candidates, both in this country and in England, for seats, before they were vacant and that there was nothing in the enacting clause of the act requiring his (Mr. Hincks') presence, which could deprive the electors of the right of electing whom they thought fit to represent them. He said, then, that Mr. Vansittart in presuming to decide on the qualification, as he had done, had acted most improperly. If he had any doubts on the matter, he should have returned the man with the majority of votes, and left the House to decide the matter; or at any rate if he was determined to reject Mr. Hincks' qualification, he should have done so on the nomination day, and not have shown a deliberate desire to deprive the Electors of Oxford of their rights, by allowing them to record their votes for a man whom he had determined to reject if elected by a majority of votes.--(Hear, hear.)<sup>4</sup> The conduct of Mr. V. was improper, and as such deserved the censure of that house.--He did not say that Mr. V. intended fraud. Even the hon. member for Essex, who had defended Mr. V. admitted that he had done wrong, although he (the hon. member) appeared to take it very lightly.<sup>5</sup> And now having gone into the merits of the question, what was the position of Mr. V. at that moment and what would be the position of the House, if Mr. V. was allowed to go forth from that bar unpunished? He (Mr. H.) had already referred to the treatment which some of the largest constituencies of Upper Canada had received in former years. From the first moment that the election took place, although some hon. members on the opposite side of the House had expressed dissatisfaction at Mr. Vansittart's conduct, the question had been made a party question. (Hear, hear.) Mr. Vansittart's conduct had been applauded throughout the country by the political party to which the gentlemen opposite belonged.--(Hear, hear.) A more indecent procedure had never taken place in any country than the getting up of a public dinner to Mr. Vansittart, on his return from the bar of this House where he had stood as a criminal and where the House had by a majority declared that he had acted illegally, in defiance of law, in manifest violation of the rights of the freeholders and in gross breach of the privileges of the House.<sup>6</sup> (Hear, hear, and laughter.)<sup>7</sup> He repeated that a more grossly indecent procedure had never taken place, and the effect throughout the Province would be, if Mr. Vansittart were allowed to go uncensured and unpunished, that the scene enacted at the last general Election would be repeated in future ones, that the Returning Officers



would exert all their influence on behalf of the administration of the day, that the rights of the electors would be violated, and the country lose all confidence in this House. (Cheers.)--Those were the views which had influenced him in coming to the decision as to the vote he should give on this question, viz., to support the resolution of the hon. member for Middlesex, as he felt that he should thereby be performing his duty towards the electors of Oxford whose feelings and rights had been thus outraged.<sup>8</sup> He said hon. gentlemen were aware of the difficulty of rejecting improper votes.<sup>9</sup> Returning Officers throughout the country had taken too many liberties of late with the rights of the electors<sup>10</sup>. The Township of Norwich had been disfranchised by declaration of the Returning officer, and numbers of the oldest settlers had left the polling place without even attempting to vote.<sup>11</sup> An example--a good example must be made to prevent the injustice of such acts--he would not punish for the sake of revenge, but for the sake of example; but he thought it was the imperative duty of the House when a clear case like this was brought before it, to act with decision and inflict some punishment that will prevent the recurrence of these acts.<sup>12</sup> It would be impossible to bring every Returning Officer who acted illegally before the house, and for that reason he thought the house ought to punish Mr. V., with a view of preventing others, by showing the country that it was the intention of the house to punish those who were brought before it.<sup>13</sup> He was actuated by no personal feelings towards Mr. Vansittart, he disclaimed all such motives but he should give his vote, as a public man, acting under a sense of public duty. (Hear, hear.)<sup>14</sup>

COL. GUGY said, that from the declaration of the Hon. gentleman who had just sat down, they might infer that his modesty was on par with his courage. He had just performed a quadruple part; he had sat as a Judge of honor in a Court of honor. If he had any principle left, which he said he had, he would abstain from proceeding farther, for the sake of that principle, and the honor of the Legislature of which he formed a part,--and hoped that he would be uninfluenced by the hon. member for Middlesex. He had spoken with a great deal of warmth. They had just heard from the Hon. member for Oxford, that it was not him who brought on these proceedings; of course he had nothing to do with it, he only stood behind the curtain. It was not without some natural degree of merriment that he heard the hon. gentleman make that assertion. After his highly finished exordium he was thunderstruck. This looked like

"Traversing the warlike strand,

With only a tooth-pick in his hand;"

and "that because thou choosest to be virtuous there shall be no more cakes and ale." He hoped the hon. gentleman would not think that over their flowing cups he would not be freshly remembered. He would have thought that the men who were so averse to the infliction of capital punishment on the murderers should have overlooked the case of Mr. V. It might suit some men to be implacable in their revenge. He remembered the assertion of the hon. gentleman, who said that "he would neither forgive nor forget." It had been his (Col. G.) opinion, that Mr. V. had committed an error in not returning Mr. Hincks, and there had appeared nothing since to make him think to the contrary, or that Mr. V. was influenced by corrupt motives, and that he had only committed an error of judgment. He looked on a Returning-Officer as a Judge, and there was an appeal from his judgment--this House was a higher tribunal, and had decided otherwise than he had done. Who ever heard of a Court of Appeals inflicting stripes for the error of judgment

of a Lower Court? The Returning Officer was obliged to take the office under a penalty, and he was not paid for what he did, as was the case with other Judges and great allowances should be made. He (Col. G.) would not rise in his place to defend corruption. He would like to see the Resolution of the House framed in such manner as to try if John George Vansittart had been guilty of corruption; that was only the true point on which to try the merits of the case. In all petty cases it must be stated precisely what is to be brought against a party who is accused.--Had they fallen from the Hon. Inspector-General. The Hon. gentleman has said, that it may be there is some one expecting to fill the office of Mr. V., and that this person is among the ranks of those on this side of the house. If so, he (Col. G.) would call upon them, by every tie of honor and justice, to name him. He was bound to say, in Parliamentary language, that he believed him, but he was not obliged to say that the country would do so.--(Laughter.) He called upon hon. gentlemen to do so for their own credit.--(Hear, hear.) He could tell them it would be doubted--he would merely leave them to chew the cud. He went on to comment on the kind of qualification Mr. Hincks had forwarded. He might have forgot to do it then, but he did not forget Mr. V. now. He (Col. G.) was of opinion that Mr. V. committed an error, and he could not too often repeat it, for he did not wish to be Mr. V.'s advocate. He was bound to state that he believed that he was led into the course he took by the hon. Inspector-General, from the insufficiency of the documents furnished him. It could not be believed by any in that house that he had any of those intentions necessary to constitute a crime, and it could not show any in this case. It was a well known maxim of law, that it was better that 99 criminals should escape than that one innocent man should be punished. He asked, if they were going to depart from that maxim, to gratify the feelings of the hon. Inspector-General,--he begged his pardon, not his feelings, but the interests of the electors of Oxford? He went on at some length, in discussing the evidence. There were some men who would not hear of the infliction of capital punishment on the murderer, and had such bowels of mercy, that they would only punish to gratify their own revenue. If Mr. V. survives this day, he must feel gratified to have been smiled on with the peculiarly sweet smiles of the hon. Inspector-General. The imputations made by the hon. gentlemen on other Returning-Officers had nothing to do with Mr. V. If ever there was a case of an extraordinary nature, it was the second position of the hon. Inspector-General. He (the hon. Inspector-General) called upon the house to determine the question on an hypothetical Resolution when afterwards evidence had been adduced. Such a course was nowhere else known than in hell. He was not about to indulge in bunkum remarks on the evidence given by Mr. Brown, but he must say a few words after what had been said of Mr. Deeds.<sup>15</sup>

MR. INSP. GEN. HINCKS called him to order for putting words in his mouth he had never used. He had never used insulting language in speaking of Mr. Deeds.<sup>16</sup>

COL. GUGY said, that he would not dispute about trifles. He had understood him to speak insultingly of Mr. Deeds.<sup>17</sup>

MR. INSP. GEN. HINCKS said that he had the highest respect for Mr. Deeds.<sup>18</sup>

COL. GUGY was glad to hear it, and it must be consolatory to Mr. Deeds.



If the Returning-Officer had performed his duty to the satisfaction of the Inspector-General, though, he (Col. G.) would not have gone to the length of enforcing an hypothetical Resolution, he might have gone some length to punish him. Though he (the hon. Inspector-General) had not gone the length of attacking Mr. Deeds, he had gone the length of giving a character to his friend Brown. First he is only on speaking terms, and then he becomes the paid Secretary of a Commission, at £12 a day, and if he goes on in the same progression, he will shortly drive a pair of grey horses. He did not want to impeach the evidence of Mr. Brown. It is solitary, alone and it will go for what it is worth. Brown was the party who had most electioneering influence in the County of Oxford, and his evidence did seem such as to want a grain of salt to make it go down; and when other testimony is given by other gentlemen who could have had no interest, he would give it the preference.--He went on at some length, attacking Mr. Hincks with considerable bitterness for the language he had used with reference to Col. Whitehead.<sup>19</sup>

MR. INSP. GEN. HINCKS denied some expressions attributed to him which Colonel Gagy had noted.<sup>20</sup>

MR. MACDONALD said that he had also done the same.<sup>21</sup>

MR. INSP. GEN. HINCKS said, that what he did say of Col. Whitehead was, that it was extraordinary that a gentleman in the habit of taking notes on other things should have omitted to have done so on that point. If the hon. gentleman considered that disparaging, he did not.<sup>22</sup>

COL. GUGY continued:--There is something in taste. If he had said of a gentleman who was in the habit of taking notes, that he had only taken things on one side and not on the other, he should have considered it, as he thought it was, what Shakspeare said, "that it looked like something." He continued to speak at some length at the injustice done to Mr. V. He said that he had been impelled to speak at the length he did from seeing Mr. V., a man bearing all the impress of a gentleman, standing at the Bar in the position he did.<sup>23</sup>

MR. COM. CR. LANDS PRICE felt himself called upon to take part in this debate although at first he had not intended to do so.<sup>24</sup> The hon. gentleman who had just sat down, had made a very lawyer-like speech, and had no doubt but that it would read very well in the newspaper.<sup>25</sup> An hon. member, in his address to the House, had attempted to make it appear that hon. gentlemen sitting on his side of the House had sympathised with murderers and other true criminals, in consequence of the abolition of capital punishment movement being favoured by some of them, whereas they could find no sympathy for Mr. Vansittart. This was a mistake. He could assure that hon. member. that there was no sympathy for criminals on his side of the House; but many of his hon. friends were disposed to look favorably on the abolition of capital punishment because they perceived that capital punishment did not answer the purpose for which it was intended, but that the sympathies of the people were always enlisted on the side of the unfortunate criminal on the scaffold, while the victim was totally forgotten. It was too bad to make any such comparisons, and he would put it to the hon. gentleman whether it was honourable, or whether he had any right to attack Mr. Brown, a gentleman whose character stood quite as high as his own, indirectly, for the purpose of throwing a doubt upon the evidence given by him at the bar.<sup>26</sup> Mr. Brown might have been a member of that House, together with his hon.

friend, the member for Oxford.<sup>27</sup> He had known that gentleman ever since his arrival in the country, and felt bound to defend him from such attacks, which were utterly uncalled for and unmerited. The same hon. gentleman had seen fit to charge his hon. friend, the Inspector-General, with vindictiveness in the course he had seen necessary to pursue on this occasion. Such a charge was very ill-founded. Did not that hon. gentleman very well know, as a lawyer, that his hon. friend could have brought and sustained an action at law against Mr. Vansittart, if he had thought fit to do so? Did he not also know perfectly well that in the County of Oxford there was a universal feeling of indignation excited by the return of that Mr. Vansittart? How then could it be said with any degree of justice that his hon. friend's course had been characterised by vindictiveness? No, he felt confident that he had been throughout actuated by a strong sense of duty to preserve the rights and privileges of the House and the people intact, and he (Mr. P.), if placed in a similar situation, and possessed of the same talents, would have acted perfectly in a similar manner, and made use of the same language. Surely that hon. member did not forget what numbers of contested elections were brought up for decision after a general election, and particularly in the years 1843 and 1844, arising in a great many instances from corrupt conduct of Returning Officers, and he would mention that his opinion on hearing of the approaching dissolution was that every exertion would be made by hon. gentlemen opposite to secure a majority at the polls. If he did them any injustice he hoped they would give him the credit for his candour in making this statement, and it was on that account that he advised all his friends to send their qualifications to every township in their respective counties as he himself did. And he would mention further, as an evidence that this advice was not unfounded, although it was well known that he was able to qualify, yet his qualification was required in every township merely in order to annoy him. His hon. friend from Kent was served exactly in the same manner. He had sent his qualification to all the townships in the county with one exception, and yet because it was not sent to that one township a special return was sent in, although he stood at the head of the poll by a majority of 500. The hon. member must surely be aware that the greatest corruption had been practised by the Returning Officers of different Counties, and that it was a most expensive and tedious process to go through the lists of votes. There was the case of Mr. Webster, who, although it was notorious, was returned for the County of Waterloo by five women's votes, and although their names, Susannah and Mary, &c., were in the poll books, yet, as there was no evidence before the Committee to show that they were women, the whole proceeding had to be dropt. His hon. friend (Mr. Ferguson) who took his seat only yesterday, had been kept out of his seat, and the County disfranchised for a considerable space of time, by the ignorance and corruption of the Returning Officers. Yet there was a great deal of sympathy for these corrupt men, but none for the people whom they disfranchised by their acts, or those gentlemen who were put to a great expense by their means. True, there was some sympathy for Mr. Durand, who, it was generally known, was absolutely cheated out of his seat, and who was so much pitied by hon. members on that account, that they subscribed a large sum of money to reimburse him the losses he had sustained. No part of the usual electioneering tricks had been forgotten, but even new ones were brought into realization, in order to try and keep his hon. friend the Inspector-General out, because they all knew that he possessed the amount of talent that made all the Tories tremble. The Returning Officer was obliged to become a party in these plans. Why



did he not act on his first impression of his duty, with regard to Mr. Hincks' qualification? and then he would have been safe. But it appeared to him (Mr. P.) that he had come to this decision in his own mind: I will not put Mr. Hincks' name on the poll books as a candidate, but at the same time, I will circulate a report, that all the votes in his favour will be thrown away, which will very possibly cause Carroll to stand at the head of the poll, but if on the other hand, Mr. Hincks should stand at the head of the poll, then I will declare his qualification to be worthless, and declare Mr. Carroll duly elected. That, ... determination arrived at by Mr. Vansittart, and it was evidently corrupt. A great deal had been said in order to throw a stigma upon Mr. Geo. Brown, and consequently make his evidence worthless. It had been attempted to prove that Mr. George Brown acted as a complete partisan during that election, but it appeared to him that Mr. Brown's conduct was actuated by better and higher feelings than those of a partisan; he knew that the county of Oxford had been completely disfranchised, and he acted with a strong determination to obtain for its people a free and fair representation, but all these attempts to stigmatise Mr. Brown were made with the view of weakening his evidence, whilst at the same time, Messrs. Whitehead and Deedes were eulogised in the strongest manner. But he would ask, what did the evidence of the two last named gentlemen prove? Mr. Brown, in his evidence, clearly proved an affirmative--he proved that Mr. Vansittart had consented to receive Mr. Hincks' qualification. Those other gentlemen were called on to prove a negative--and he would here remark, that he did not like the manner in which Col. Whitehead delivered his testimony; it was not delivered with the freedom which he could have wished for; he appeared to hesitate ... point, it could not be obtained. They could not in reality prove that Mr. Vansittart had not used the language, imputed to him by Mr. Brown.<sup>28</sup>

A member from the opposition.--If it had been used, they must have heard it.<sup>29</sup>

MR. COM. CR. LANDS PRICE continued.--No, they would not swear to that.<sup>30</sup> The gentlemen stated that they had not heard.<sup>31</sup>

"But were near enough, and could have heard," from the Opposition benches.<sup>32</sup>

MR. COM. CR. LANDS PRICE.--He had not heard that, and did not think they said it.<sup>33</sup> The most they did prove was the evidence of Mr. Brown at the hustings. But was there anything surprising in the fact, that Mr. Brown's feelings were a good deal excited, when he saw the Returning Officer prove himself a decided partizan--doing every thing in his power to effect the return of Mr. Carroll, and after he had decided on receiving Mr. Hincks' qualification, finally reject it, thus throwing the whole county into confusion? Mr. Vansittart had no excuse for this extraordinary conduct; if there was anything he could not understand, or which appeared to him doubtful in the discharge of his duty, his course was plain--to make a special return to the House, and leave the disputed point to it for decision. He had no doubt that Mr. Vansittart was a sincere tory; he would give him credit for that; he was ready to believe that Mr. Vansittart was perfectly sincere in his wish to see the late Administration still in office, from a belief that they would act in congeniality with his wishes; and therefore it was that he made such an effort to carry Oxford in the tory interest. It was of the most vital importance, either that the election should be carried in that way, or else that no return should be made, as in the event of a tory majority being obtained in the House the matter must then be referred to an

election Committee and experience had shown what was the most influential motive in such cases. It was no wonder then that Mr. Brown was roused on seeing the line of conduct adopted by Mr. Vansittart, and he would ask hon. gentlemen opposite, if they would not themselves be considerably excited, if a Returning Officer acting under the influence of the present administration, had conducted himself in a similar manner to Mr. Vansittart? Certainly and undoubtedly they would, and would have called on the House to punish the offender severely. He would remark however that such a case could not very easily be discovered, for it was notorious that every one of the Returning Officers, charged with corrupt conduct at the bar of the House, had been under the influence of hon. members on the other side of the House (hear, hear,) and he would challenge them to produce a single instance of Returning Officers having acted corruptly under the influence of hon. members on his side of the House. He could not understand for his part the force of one of the arguments used in favour of Mr. Vansittart; hon. members said it was better to allow ninety nine guilty persons to escape, rather than that one innocent person should suffer. Was Mr. Vansittart innocent? Was he not manifestly guilty of corrupt conduct? Was he to be allowed to escape, because the others had been allowed to escape unpunished? Were hon. members prepared to allow the rights and privileges of the House to be trampled on in the most scandalous manner, without their punishing the corrupt parties? What was the result of this mistaken mercy--but that the outrages become more frequent, and that one half the time of the public was occupied in discussing them? For his own part he had no vindictive feelings against Mr. Vansittart; he had never seen him, before he appeared at the bar; but he felt bound to support the Resolution, and vote for the infliction of punishment on him for having trampled on one of the highest privileges of a British subject. The hon. gentleman then having alluded to the case of his hon. friend who had taken his seat for the County of Waterloo, having been subjected to a large expense in supporting his claim to a seat, in consequence of the corruption and ignorance of the Dep. Returning Officers, again reverted to the imputation throw on his hon. friend the Inspector General of having appeared vindictive in this matter.<sup>34</sup>

MR. CHRISTIE said he whole (sic) beg to ask if Mr. Vansittart were the Returning Officer in that case.<sup>35</sup>

MR. COM. CR. LANDS PRICE said that he had mentioned it because of the statement of the hon. gentleman, that it was better that 99 should escape than that one innocent man should be punished.<sup>36</sup>

MR. CHRISTIE said, then you will punish Mr. V., because of the guilt of 99. That is your argument.<sup>37</sup>

MR. COM. CR. LANDS PRICE continued to say, that he would not insult Mr. V. by supposing him an ignorant man. He knew what Mr. H.'s qualification was, and he ought to have acted differently. It was too bad for the hon. and gallant Colonel to have made such a vindictive attack on his hon. friend, who had acted throughout as he ought to have done.<sup>38</sup> His hon. friend no doubt felt strongly in consequence of the attempts to disfranchise the County, but he repeated he thought he was perfectly justified in the course he took, and in the language he made use of<sup>39</sup>. He (Mr. P.) was dissatisfied with the evidence of Col. Whitehead, and the manner in which it was given. He had no sympathy with any side whatever, and was altogether in favor of justice. He had always voted for severe measures in punishing delinquents. If Returning-Officers found that Government would, in all cases,



severely punish dereliction of duty, irrespective of party, it would have the effect of making them do their duty; and he was prepared to vote for the Resolution to punish Mr. Vansittart.<sup>40</sup>

MR. G. SHERWOOD (Brockville) was astonished to hear hon. members opposite arrogate to themselves all the honesty to be found in that house; urging that they were actuated merely by a sense of their public duty, as regarded the Returning-Officer. Now, in a case like the present, to attribute improper motives to that person, and those who were for exculpating him was totally unjustifiable. They had assumed that he (Mr. V) had received instructions from the then Government to regulate his conduct at the election, and that he had acted corruptly. To assert this, from mere party motives was most unfair; so it was to accuse an opponent of injustice on account of his differing from them in political opinions, just as if a party so situated could not act impartially. He (Mr. S.) had as much right to make the same accusations against the hon. member who spoke last; but he would not do so; his (Mr. S.'s) good opinion of that hon. member would not allow it. Hon. members opposite ought to give Mr. V. the same credit for good intentions as he did. If he thought Mr. V. guilty on the intrinsic merits of the case he would not shield him; but not thinking him so, he opposed the motion for punishment. The hon. member for the South Riding of York had asserted that the evidence of Mr. Deeds did not overturn that of Mr. Brown but on perusing the former--(here he referred to Mr. Deed's evidence)--it would seem that Mr. V. did not make the answer imputed to him. Here Major Deeds' evidence clearly contradicted that of Mr. Brown.--Ought not the same rule to apply between Messrs. Deeds and Vansittart as between Mr. Brown and the hon. Inspector-general? Did not Mr. B. state to Mr. Miller at Hamilton that he attributed the unintentional error of Mr. V. to his being misled by the opinion of the then Solicitor-General? He (Mr. S.) should not say much more upon a subject that was worn almost threadbare, but should make one remark:--The hon. member for Norfolk had said that he and his hon. friend were not acting from ill-feeling; as it was said by all hon. members opposite; but he (Mr. S.) would refer to their speeches. He confessed it was hard to impute improper motives, but if they were to judge from speeches, there could be but one opinion in the house. That hon. member had stated his wish, not to visit the severest punishment upon Mr. V., but to deprive him of one office only; but he would remind that hon. member of his conversation with the hon. Inspector-General, and the hints then thrown out to him by the latter--"Do you know of any other office held by Mr. Vansittart?" or similar words. There appeared to be some difference of opinion upon this point, which he would leave hon. members on the other side to reconcile. Doubtless the hon. member for Norfolk could do so; but after the conversation and hints before alluded to, he could only attribute an intention to take from Mr. V. everything. The hon. member who spoke last had attributed wrong motives to the Committee of last Session, sitting on this election matter,--he himself, he was sorry to say, acted as one of them. As for himself, he would do every justice to the hon. Inspector-General, as laboring under a false impression; but the latter hon. Minister had travelled away from the election matter. Every one acquainted with the evidence must acknowledge he was right. The hon. Minister was so well satisfied that when he heard the opinion of the Committee on two or three law points he retired. Some words here fell from Mr. S., which did not reach us.<sup>41</sup>

MR. COM. CR. LANDS PRICE begged to correct him. What he (Mr. P.) intended

to convey was, that it was Mr. V.'s intention to return the second on the poll.<sup>42</sup>

MR. G. SHERWOOD.--The evidence of Messrs. Deeds and Whitehead clearly contradicted that of Mr. Brown. He then alluded to Mr. Brown's assertion as to the matter being left to a Committee of the house, and his (Mr. B.'s) conclusion respecting it, which were overthrown by Mr. V's three witnesses. The last hon. speaker had gone a great deal too far in this affair. Mr. V. had never acted in such a manner as to defraud the electors of their just rights. Nothing but a strong political bias could arrive at such a conclusion, such as exhibited by the hon. member from the Fourth Riding of York, and another,--(whose name we did not hear,)--those who did not yield to such influence, must think very differently. Granting that Mr. V. was wrong in point of law, it was but an error of judgment, and surely no one would doubt that he (Mr. V.) acted according to the dictates of his conscience. The hon. member for Middlesex had spoken of Mr. V.'s reflections, assisted by careful reference to authorities bearing upon the subject, and led Mr. V. merely to coincide with the opinion of Mr. Cameron; therefore, he suspended his judgment to the polling day. The hon. Inspector-General had boasted of his motive, of a sense of public duty; he had said that he pressed the matter to secure the interests of the electors, not but he (Mr. S.) was sure that all who had heard the hon. member would think otherwise of his intentions. That hon. member seemed to have indulged in the feelings of an advocate addressing a<sup>43</sup> country<sup>44</sup> jury, but the effect he anticipated would be very different here to what it would be before a jury composed, as such bodies frequently were, of men of humble capacities. He hoped and trusted hon. members would come to a conclusion upon the real merits of the question, without reference to the speeches of hon. gentlemen opposite.<sup>45</sup>

MR. J. SMITH (Durham) would not have addressed the house upon that occasion, if he had been able to come to the same conclusion which had been come to by the hon. members opposite; but as he had been obliged to come to a different one, he, therefore, thought that he was bound, in justice to Mr. Vansittart and to himself, to state the reasons why he had come to the conclusion he had; he regretted exceedingly that the question had not been discussed apart from any party feeling, as it should have been done; but he would endeavor to approach it in a proper feeling; he would endeavor to state the reasons upon which he had founded his decision:--In the first place he would call their attention to the address of Mr. Vansittart when he was first brought before the house. Mr. V., upon that occasion, stated distinctly and repeatedly that some doubts existed in his mind as to the difficulty of the position in which he would be placed. He (Mr. S.) learned from the letters which been read, that as early as the 15th of December Mr. Vansittart was made aware of his appointment and, in his letter to Mr. Ward, he said that in consequence of Mr. Hincks' absence from the country, it had occurred to his mind that there would be some difficulty about the qualification of that gentleman. The difficulty being early brought before his mind, they must presume that Mr. Vansittart took the necessary steps to obtain information as to how he should act; and they found that he had written letters to the Attorney and Solicitor-General of Upper Canada, requesting their opinions; that he had conversed with many gentlemen about the matter, and had also looked at the Statutes and authorities on the point; so that it was to be presumed that he had made up his mind before the Nomination Day, and could then have decided the question if he did not wish to act corruptly. The hon. member then went on, after commenting on



one or two points of the case, to say that, among other reasons mentioned by Mr. Vansittart, to show he had not acted corruptly, he had said that he had, at the time of the Election, learnt how most of the Elections in Upper Canada had gone, and that he was then aware that the party which was hostile to him, and against whom he decided, would soon come into power, and wished it, therefore, he (Mr. S.) supposed, to be believed that he was acting contrary to his own interest, in deciding in the manner he had done. Mr. Vansittart, he supposed, did not mean to purposely deceive the house, but he had answered the questions on that point rather loosely. He (Mr. S.) had taken the trouble to ascertain what Elections were decided which Mr. Vansittart could have heard of, and he found that the only Elections decided were those for the following places--(the hon. member here mentioned the names of a number of the Upper Canada constituencies)--and, amongst these Elections there was only one person elected of a different party to the former member, and of the members returned up to that time, 16 were Conservatives, and 6 Liberals. It struck him that the result of the Elections, so far as they were known, could not give Mr. Vansittart as clear an idea of the result of all the Elections as he wished the house to believe that he had at the time. Mr. Smith then went on to say, that Mr. Vansittart had told them that he was forewarned of the position in which he would be placed; that he had consulted authorities and Statutes on the point, and that he had been guided by them in the course which he had taken. He (Mr. S.) had some doubts as to the sincerity of his conduct, because, he had not shown a single authority in which a similar course could be shown to have been followed. He (Mr. S.) had looked into some authorities, and he found that it was the duty of the Returning Officer to return the candidate having the largest number of votes, and to leave it to the house to decide the eligibility of the candidates. The house of Commons had always been exceedingly tenacious of its power to judge of the eligibility of the candidates, and he would refer them to the Flintshire case, where the house decided that even if the person having the majority of the votes was a minor he ought to be returned. A great deal had been said about the evidence of the witnesses, but he, for his own part, was quite satisfied from the letters which accompanied the return and from the Poll Book, that Mr. Vansittart had committed an egregious mistake. He would not like to say that Mr. Vansittart had acted corruptly, but he thought that he acted vexatiously. It was his duty to take the advice of Counsel, but he should have gone to disinterested parties for it. He had, however, applied to the late Solicitor-General for Upper Canada, who could not be said to be a disinterested party, inasmuch as he was one of the Administration, which was then on their trial before the country, and who was interested in getting a party favorable to them returned. In doing so Mr. Vansittart had also avowed that he considered it his duty to appoint Deputies of the same political opinion as his own, and that of the party who had appointed him. It appeared that he had been influenced by party feelings which had blinded him in the discharge of his duties; indeed, unless he had been so, he could scarcely have made the Return that he did. But he was not, therefore, prepared to say that he (Mr. V.) had acted corruptly, although he must admit that he had acted vexatiously.<sup>46</sup>

SIR A. MACNAB hoped it would be presumed, from the tenor of his whole public life, that he was as willing to assert the privileges of that house as any person, and that he would be ready and willing to punish any person whatever, who was guilty of a breach of them, but it was one thing to carry

on an irregular, vindictive proceeding against a person who did not deserve it. What had the hon. member who had just sat down said? He said that he believed that Mr. Vansittart had not acted corruptly, but that he had been mistaken. Were they to punish a man for having committed a mistake, and to deprive him of the office he held for having committed an error? The hon. member for Essex said that he had understood that Mr. Vansittart had held two offices, one of them worth £150 a year, and the other £7,<sup>47</sup> and he told them they would only take the £150 from Mr. Vansittart, and leave him the £7, which was exceedingly generous of them. From the very beginning of the discussion upon Mr. Vansittart's conduct, the members opposite had thought proper to assume that the members on his side of the House were perfectly satisfied with the conduct of Mr. Vansittart, but they had never maintained any such thing. He thought that he had acted erroneously, but not corruptly. The present proceeding was not such an one as would be carried on in England; there they would have brought Mr. Vansittart to the bar, and then the Speaker would, by order of the house, have conveyed to him the opinion of the people of the country upon his conduct, and declared to him that he had acted erroneously, and then ordered him to be discharged. He was sorry to hear the hon. Inspector-General accuse Mr. Vansittart of having acted dishonestly. He thought that a witness at the bar was under the protection of the house, and that no imputation should be allowed to be made against him by members of the House. What was the very first step that they had taken against Mr. Vansittart? Why, they had, on the motion of the hon. member for Norfolk, passed a Resolution by which it was declared that the conduct of Mr. Vansittart was illegal; that he acted in defiance of all law, was guilty of a violation of the rights of the Freeholders of the County of Oxford and had committed a breach of the privileges of that House; without ever having heard Mr. Vansittart, or calling upon him to justify his conduct. He (Sir A.) had, upon that occasion, moved, in amendment to the passing of the Resolution, that copies of all the Resolutions intended to be moved against Mr. Vansittart be first transmitted to him, and that he be allowed twenty-four hours to prepare for his defence and that he be allowed permission to be heard at the Bar of the House; that was the course of proceedings which would have been taken in England; but the amendment was negatived, and Mr. Vansittart declared guilty without ever being heard. The passing of the Resolution was an extremely harsh and most arbitrary proceeding.<sup>48</sup>

MR. H. BOULTON rose to order. The hon. member had no right to apply such remarks to a Resolution which had been adopted by that house.<sup>49</sup>

SIR A. MACNAB was perfectly astonished that an hon. member, who had had a seat for some years in that House, should stand up and tell him he had no right to remark upon the proceedings before the House. ((He)) was going on to comment on the Resolution<sup>50</sup>.

MR. H. BOULTON again rose, and put it to the Speaker, if such a proceeding was regular?<sup>51</sup>

SIR A. MACNAB--Why, the hon. gentleman has never read the Resolution before the house, although he wrote it. It declared that the house adhered to the Resolution passed last Session.<sup>52</sup>

Sir A. Macnab continued.--The hon. member for Norfolk has been one of the most active members in the house in the proceeding which had been taken



against Mr. Vansittart, and he (Sir A.) believed that he was influenced by high motives, and by a desire to protect the privileges of the House, in doing so, but he had a right to show that he did not always act in the same manner, and that the Parliament of Upper Canada, when it declared him guilty of a high breach of privilege, did not proceed against him in the same manner he was now proceeding; that, when the house declared him guilty, it called him to the bar, when the Speaker read a lecture to him, which was to be found on the Journals, and dismissed him.--Was the hon. member, he would ask, dismissed from his office of Solicitor-General, after he had made an apology to the house? He (Sir A. MacNab) then proceeded to read extracts from the Journals of the house of Assembly of Upper Canada, of the proceedings against Mr. Boulton, for a breach of privilege. It appeared that Mr. Boulton was called before a Select Committee, for the purpose of giving evidence; before answering any question, he (Mr. B.) asked the Committee, if he was examined as a matter of right, or out of civility?--(Laughter.) When told that he (Mr. B.) was examined as a matter of right, he (Mr. B.) denied their power to compel him to answer. The Committee reported the fact to the house, and it declared him guilty of a high breach of privilege,--upon which the Speaker issued his Warrant to apprehend him, and he was brought to the Bar. When the Report of the Committee was read to him, (Mr. B.) and the Speaker asked him what he had to say in his defence, and upon his stating that he conscientiously believed that the Committee had no right to put the questions to him which he had refused to answer, that he was willing to do so if the house decided he was bound to do it, he was reprimanded by the Speaker, and discharged from custody. He (Sir A. MacNab) then went on to read the admonition of the Speaker to Mr. Boulton, when a member made a remark about Sir A.'s own case. He (Sir A.) replied, that he was a mere boy in those days;--(Laughter;)--he did not make an apology, because he thought that he was right, and he was punished for it, and sent to gaol.--(Hear.) But the house only reprimanded the hon. member for Norfolk after he made an apology; it never thought of depriving him of the office of Solicitor-General. And what Mr. Vansittart had done was not one half as bad; the hon. member was one of the highest Law Officers in the country, and was expected to know what was right, whereas Mr. Vansittart was only a private individual, whom falling into error, they could not be much surprised at; but he was to lose his office of £150, and be allowed to keep the one of £7. This was the course pursued against Mr. Vansittart. The hon. member then proceeded to contrast the conduct of the members opposite, in giving an office of £500 to Mr. DeSalaberry, after his conduct at the election of 1841, and in seeking to deprive Mr. Vansittart of his office, while his conduct was not near so bad as that of Mr. DeSalaberry. It appeared to him (Sir A.) a queer way of asserting the privileges of the house. It was not necessary that Mr. V. should be punished as an example to other Returning Officers, for if the Bill of the hon. Attorney-General was passed, the Government would then have no power over the appointment of Returning Officers in future, it was their last chance of tyrannizing over a Returning Officer--they would never have the same power again, and, therefore, let the members pitch into him, right and left, they could not hurt him. The whole proceedings were irregular, and most disgraceful to the house. They had contrary to all principles of justice admitted hearsay evidence, and were now endeavoring to convict Mr. V. upon it.<sup>52</sup>

MR. INSP. GEN. HINCKS.--all the hearsay evidence was in his favor.<sup>53</sup>

SIR A. MACNAB.--The hon. member was very kind to Mr. V.. He was afraid that he was not actuated by very proper feelings towards him, and that it was very improper for him to sit there as a judge upon his own case. He was a party in the cause, for Mr. V. was charged with having violated the rights of the electors of Oxford, and he supposed the hon. gentleman considered himself one of them; but he (Sir A.) would not be surprised if the people of that County, when they found out that the hon. gentleman was not actuated by those high motives which he professed to be, might discard him, and that Mr. V. would be taken in hands by the public who had always a sympathy with persons who were wrongfully punished and oppressed. And he (Sir A.) would be much surprised to find him returned as the next member for Oxford. He was quite prepared to say that he did not consider that the conduct of Mr. V. was correct. He had acted erroneously, through error in judgment. He would, therefore, move that the Resolution be amended, by inserting the words, "and that the cause of such illegal conduct arose from an error in judgment in Mr. Vansittart."<sup>54</sup>

MR. H. BOULTON said he should not have made any remarks on the Resolution now before the Chair, but for the very unwarrantable personal attack made upon him by the hon. and gallant Knight from Hamilton, who was the last person in the House from whom he had expected such an attack; but although the hon. and gallant Knight had forgotten the relations of private friendship, he (Mr. B.) would not follow his example; he merely desired to show the points on which the hon. and gallant Knight had misrepresented the facts connected with his (Mr. B.'s)....

The hon. member proceeded to read from the Journals of the House in reference to that occasion, to show that his conduct before the Committee to inquire into the Hamilton outrage and the burning in effigy of Sir John Colborne, was precisely similar to his conduct before the House, and that he had not, as represented by Sir Allan, said one thing and done another.<sup>55</sup> He did not wish to fix any stigma upon Mr. V., or to charge him with acting corruptly, but he thought he had acted partially and improperly. He thought he had acted with a strong party feeling, and must take the consequence; but he (Mr. B.) should not vote with the view of inflicting any punishment on Mr. V., but with the view of preventing other Returning Officers from acting in a similar manner. It had been said that he (Mr. B.) was prepared to go to the fullest extent against Mr. V. but he was not.--If he had, he would have voted for declaring him unworthy of holding any public office, but he had only said that he should be deprived of one of his offices. Mr. V. was a magistrate, held a Commission in the militia, and several other appointments, and he did not wish to take them from him, or to declare him unworthy of holding them. And when he (Mr. B.) was drawing up the resolution, he just selected one of his offices, which he had learned Mr. V. held, at hap-hazard, and he neither knew the amount of the emoluments of it or of the other offices he held.<sup>56</sup> The hon. member made some further remarks merely of a personal nature, and stated his intention of taking another opportunity of addressing the House on this subject.<sup>57</sup>

MR. WILSON thought this question ought to be approached without party feelings. The question presented itself to his mind in this way--Did Mr. Vansittart do as he should do, or was he guilty of a dereliction of duty? He did not think the difference between corruption, and an error in judgment, expressed the question in its true light. He asked himself what a Returning Officer ought to have done, in the predicament in which Mr.



Vansittart was placed. How did the Returning Officer submit the qualification of the present honorable member for Oxford. He did decide upon it, and his decision was, that Mr. Hincks was entitled to appear before the electors as a candidate. That was a fact irrespective of all contradictions of witnesses; after the qualification was objected to, Mr. Vansittart asked the electors, to choose their member, by a show of hands. That then was deciding on the qualification. Well then, it appears that Mr. Vansittart ruled the poll-book, in three columns, and this pointed clearly to the fact, that there were three candidates, just as much so as if he had written all three names. The fact also spoke for itself. Well then, suppose a person desirous of doing his duty, was placed in a position, from which his own judgment could not extricate, would he not have asked advice of some one, on whose judgment could not extricate, would he not have asked advice of some one, on whose judgment he could rely, more than on his own? He would not then have applied to any one who must be supposed to have a strong bias to either side; but would have gone to a totally disinterested party. Instead of that, he went to the Solicitor-General West, one of his (Mr. W.'s) best friends, and one whom he always believed incapable of doing wrong. He would not say that the Solicitor General had done wrong, but he would not have done had he been seeking advice in his own case. Next he found that the Returning Officer had appointed deputies from those whom he knew were favorable to the party in power. That was, he thought, what a very scrupulous man would not have done. Mr. Vansittart's duty required that he should act candidly and justly. He could not be said to have done so, in appointing deputies from either side. There was another point; he led one party to suppose that he was going to the poll, when he reserved the right to himself the right of saying to their candidate, in case of his election, that he was not eligible. This enabled him, in case Mr. Carroll was elected, to tell the other side that they had had fair play; whereas if Mr. Hincks were elected, he could refuse to declare him duly elected for want of qualification.<sup>58</sup> He thought he had led the people to believe that he was going to do one thing, when he intended to do another thing. And, being of that opinion, he (Mr. W.)<sup>59</sup> would move to amend the motion before the House, after the present amendment was disposed of. He desired to strike out the words in defiance of the law, and in manifest violation of the rights of the freeholders. He thought those words were too strong; he did not think that Mr. Vansittart had acted corruptly<sup>60</sup> in defiance of, and contrary to all law.<sup>61</sup> But he could not think that he had done so innocently. Nor did he think that the House would, when it thought carefully on the matter, believe that the strong words of the motion expressed the general opinion of the House. As to the punishment to be inflicted, he would remark, that whatever the punishment should be, it ought to be by the direct action of the House, and not by an address that should induce Her Majesty's Government to visit him with further punishment. He thought Mr. Vansittart had acted wrongly, but he would not hold him up as a man to be stigmatised on the Journals of the House, as intentionally corrupt, and in manifest violation of the rights of the electors. A man who could act in that way, should be declared incapable of holding any office for the future; and hon. members would do so, unless they were those who had incurred feelings of revenge. The hon. member for Middlesex in a former discussion, had declared to the House, that he was a person who never forgot, and never forgave.<sup>62</sup>

MR. NOTMAN denied that he had said so.<sup>63</sup>

MR. WILSON ((resumed.)) On a late occasion, at any rate, the hon. member had stated that he represented a constituency whose feelings had been outraged, and that he would revenge them. What had that to do with facts at present before the House? What, except to give occasion to the hon. member to declare, not only that he would have justice, but retributive justice. Did he, in that declaration, represent the feelings of that intelligent county, whose praises he was constantly singing, as the finest, largest, and most intelligent in the country? No! He (Mr. Wilson) knew that county, and knew that there were intelligent men within it, who would sit in judgment on this matter, and would not support him, in these expressions of vindictive feeling. They could not, and would not do it. It was but justice to the hon. member for Oxford, to say that he had treated this matter in such a manner, as to do credit to his feelings. It was a fair, open expression of his opinion; but he did not admit that, because nineteen or twenty Returning Officers had been allowed to escape, that this one should be the scapegoat, to carry the sins of his predecessors away into the wilderness.<sup>64</sup>

MR. COM. CR. LANDS PRICE said, that he supposed the hon. member referred to him. What he had stated was that their having allowed the other Returning Officers to go free was no reason why they should allow the one before the house to escape punishment. He would also state, that he had voted against all the Returning Officers referred to.<sup>65</sup>

MR. WILSON continued.--He had no feeling about the matter, he only wanted to see justice done, and he would allow the house to pursue that course which it thought best to vindicate its privileges and do justice to the country.<sup>66</sup>

MR. SOL. GEN. BLAKE.--I am exceedingly glad, Sir, that as I was about to rise a moment ago my hon. friend from London should have risen before me; I am glad, because I think my hon. friend had given that example of calm deliberative discussion which will have commended itself to every hon. member in the House. (Loud cries of hear, hear.) I am glad, not that I have for the first time to learn the man's qualities which distinguish my hon. friend--for I have long known him--but because, in certain deductions which I feel myself obliged to make from the evidence in this case, I have been preceded by one who cannot be supposed to be influenced by any partial considerations in his views on the question. I should apologize to the House for presuming to offer the few observations which fell from the honourable gentlemen opposite to which I desire to reply before me for that purpose. But before I heard the observations of the day, I should have felt that I insulted this House, and every member of this House, if I dropped a single expression calculated to express a hope that they would approach the consideration of this subject deliberately, and as judges (hear, hear.) I should have felt, Sir, that in calling loudly upon others to consider for their own sake, and for the country's sake, the position in which they stand, I should have betrayed strong internal evidence that I myself was not under the influence of the very feelings which I called upon others to act upon. But, Sir, when after the grave lectures which we have heard from a variety of members on the other side, in the propriety of which I do not concur, and which as far as we are concerned, I consider needless, I consider them not only useless but as bringing to the minds of hon. gentlemen the state of feeling under which they ought to act and speak, but as insulting to every man who sits here as a judge; but, Sir, when I heard the hon. member for Sherbrooke who



presumed to tell us the character in which we are here, expend the time of the house for hours, not to the calm consideration of the evidence before it but in--I was going to make use of an expression which I am glad I have checked--a species of sarcasm which I at all events have not been in the habit of hearing used, when I heard the whole of the hon. gentleman's address continued in such a manner, and when at last I found that it descended to personal observations on the mode of life of an hon. gentleman near me. (Mr. Hincks.) I confess, Sir, that I thought that if the hon. gentlemen laid their heads on their pillows, reflecting that on the morrow they were to rise as judges, they would have done their duty better to their country and better consulted their own position<sup>67</sup> than to waste the time of the House in delivering a lecture to other hon. members. (Hear, hear.) Sir, we have been told that this honble. House is the prototype of a Giant Court held in the infernal regions, we have been told that the principles upon which this investigation has been carried on are the principles which govern that Court. (Laughter.) And, Sir, I will candidly confess that at first, not knowing that the hon. member for Sherbrooke (Mr. Gagy, who had preceded him in the debate) came from thence, I was disposed to doubt the testimony which the hon. gentleman gave. (A laugh.) I was disposed to question it, I have never been there. (Laughter.) I am a stranger, and I cannot pretend to tell the House by what rules justice is administered there, but the hon. member gave it so ex cathedra that really moved as I was to question the truth of it myself, I at last felt compelled to come to the conclusion that he really had some more intimate acquaintance with the infernal regions than I gave him credit for. (Cheers and laughter.) Because, when the hon. member so far forgot the feelings under which I know he must act, when he so transgressed the bounds of propriety and gentlemanly feeling as to condescend to personal remarks of the character to which I have before alluded, I felt compelled to come to the conclusion that the hon. member comes from some part of the world of which I know nothing. As I heard the hon. gentleman vouch for his Satanic Majesty's mode of administering justice--a mode of which I know nothing--the words of the great poet and Statesman occurred to me who in describing his Satanic Majesty as he appeared here on earth, when contemplating the happiness and prosperity which reigned in the garden of Eden, says in words which I have always admired--

"Aside the devil turned for envy"--(Cheers.)

If the house can find anything applicable to any hon. member, in those words, the house is at liberty to make the application--(Hear, hear.) Now Sir, laying aside the character in which the house is to approach the consideration of this question, which I am sure every hon. member feels and feels deeply, I am at a loss to know what it is in the shape of argument from the hon. gentlemen on the other side that I am called upon to meet. It is true that an hon. gentleman, said that allusion to what took place in former times in respect to the return of members was out of place, that it had no effect and ought to have none upon hon. members. Well, this is the first time I ever heard it asserted, that the frequency of a crime ought to have no effect upon the minds of those who are to sit and judge upon it. The hon. member for Sherbrooke has tortured the arguments used on this side of the house as if we meant to say that because 19 Returning Officers have gone free, therefore the 20th shall have a severe punishment inflicted on him. Surely the hon. member can hardly have misunderstood our argument to that extent, we did not say that because 19 Returning Officers have got off and their derelictions of duty gone unpunished, therefore the 20th must be punished. But what did we say? We say that this is not a new

crime; it is not a crime that has occurred to-day, for the first time and which we may not see again. We say look back to the elections of 1836 and tell us whether the proceedings of the elections in Upper Canada in that year give us no lesson as to what Returning Officers may do, and other high functionaries too (Cheers) we say, go to the elections of 1841 and see the manner in which the rights of the people of this Province have been outraged by Returning Officers, (Cheers) we say go to the elections of 1844 and see whether the Returning Officers of that time have not conducted themselves in such a manner as to lead us to the belief that offences of this kind may come again; aye, and we meant something further, we meant to say look at the manner in which the courts appointed to decide upon those elections did decide!--(Cheers.) See how, when the Returning Officer had even done the injustice which the law had placed it in his power to do--how difficult, shall I say how impossible it was to obtain justice (Cheers). Are we then to be told by hon. members that the recurrence of this crime during every election whereat the great constitutional questions which have agitated this country have been tried up to the last election--crimes perpetrated by the Returning Officers is a matter of no consequence? Oh! no. But, sir, I think we may stand here on higher grounds. I think, I may say, and hope we shall have credit for it in some quarters at least that not only were we desirous that the smallest possible amount of punishment should be inflicted, but all with whom I have conversed on the subject have expressed their anxious wish that if possible the question could have been put away. (Loud cries of hear, hear.) We are far from seeking this punishment for the purpose of revenge. Why, sir the God who made us has placed in our bosoms that which forbids us to revenge--such a feeling may be the feeling of the few. God forbid I should conclude it is the feeling of the many; the heart revolts and turns from it. (Cheers.) This proceeding had been sought and studiously sought to be avoided, but what is the crime with which this gentleman is charged? with polluting the sources of all law. (Hear, hear.) The refusal to return a member to this House is not a crime against an individual only, it is a crime against the whole people, an attempt to pollute the body from whom all the laws of the land proceed, well, sir, if in 1836--that I may fully illustrate my arguments and may not be supposed to act on light grounds, which I should deprecate--if in 1836, instead of the violence and practices then resorted to, which filled the House of Assembly of Upper Canada with members, such as we have heard of, if men had been placed there disposed to enlarge and better our constitution, instead of those who violently and unscrupulously opposed that system of government which is now acknowledged, not only by this country, but by every statesman in England to be the law of this country, if instead of such men as that, men had been placed there disposed to take their stand by constitutional grounds--<sup>68</sup>

SIR A. MACNAB rose to order, to know whether the conduct of the House of Assembly of Upper Canada on Responsible Government had anything to do with the question before the House. If the hon. Sol. General was permitted to proceed in this strain, those hon. members on his (Sir A.'s) side of the House who held seats in the Upper Canada Assembly, must have an opportunity afforded them of reply.<sup>69</sup>

MR. MORIN, the SPEAKER thought the hon. member was in order; he was alluding to the elections, and the manner in which they had been carried on. (Hear, hear.)<sup>70</sup>



MR. SOL. GEN. BLAKE was showing when he was interrupted, that this was not an individual question, had this been a case of individual wrong, there was not, he believed a single gentleman on this side of the House, who would not gladly have dropped the motion, but he could assure hon. members that this was not such a case, it was a case of an attempt to pollute the whole sources of the law--a case which if tolerated, would enable men to be placed in this House, disposed to rob the people of their rights, men disposed to assist tyrants if they exist, men disposed to lend their votes, he would not say for money he would not say for place, he would not say for what, but disposed to uphold any Government however corrupt. (Hear, hear.) And were they to be told because they desired to keep the House purified from men of this class, that they acted from mere personal considerations? (Cheers.) It had been said by several hon. members opposite, that it would be a waste of time to discuss, with minuteness, the evidence in this case, and he heard an observation from his hon. friend from London, the other night in which he could entirely concur. The hon. gentleman said that legal sparring was becoming to the House. He (Mr. Blake) quite agreed in that opinion, and it was not his intention or design, on the present occasion, to enter into a strict and scrupulous examination of what the witness had said, but he would tell the House two rules in which he thought they would agree with him, that could guide them safely in forming a judgment in this matter. First, they might reason on what Mr. Vansittart had himself declared as being true; there was no other ground which he proposed to take, when he found Mr. Vansittart, after a lapse of 9 months, calling to the bar of the House, two or three witnesses to contradict portions of what was said by a witness on a former occasion, by Mr. George Brown when he found that in the examination of these witnesses as to what passed on the occasion of the election case has been taken to abstain from asking as to several things which were said by Mr. Brown to have passed, and he was prepared to maintain that where Mr. Brown's evidence had been attempted to be contradicted, there had been no contradiction, but where he found facts avoided by Mr. Brown, and these witnesses not asked a solitary question concerning them, it was fair to assume these facts to be true. (Hear, hear.) An attempt had been made by these witnesses to disprove a certain part of Mr. Brown's testimony; but there were other facts deeply important to Mr. Vansittart's defence, capable of proof, concerning which they had heard not one word. There were three classes of facts, then, which he (Mr. Blake) took to be true in forming his judgment on this matter. First, what Mr. Vansittart himself declared, second, what has been stated in evidence and not contradicted or attempted to be contradicted; and third, facts attempted to be contradicted, but not satisfactorily disproved. (Hear, hear.) Before, however, he proceeded to the investigation of the evidence, he had a few remarks to make, on a remark which fell from the honorable member from Hamilton, who said that he had felt indignant at observations made by the hon. member for Oxford, that he had understood the parliamentary rule to be, that every person brought to the bar of the house was entitled to the protection of the House, and that to attribute any motives to any person at the bar, was, in his opinion, wrong and unbecoming. He would ask did the hon. and gallant Knight, when he hurled at honorable members on this side of the house, the expressions that this was a most vindictive, unparliamentary prosecution, feel any of the kindness for other people's feelings and character, which he felt for the individual taking his trial at the bar? (Cheers.) If the

hon. and gallant Knight felt at liberty to use such hard language as "vindictive and unparliamentary" with what show of reason could he complain of what was said respecting the criminal at the bar? But bringing it to a closer test, members on both sides of the House know that Mr. Vansittart had acted illegally, committed a high crime, and infringed the privileges of the House. Upon this point they had already decided; and their object now was to find out the motives which impelled the commission of the offence; and how in the name of common sense, could that point be discussed, without imputing motives to Mr. Vansittart. (Hear.)

The learned Solicitor General then proceeded to comment at great length on the evidence, entering minutely into the various points contained in it ... especially<sup>71</sup> the question of the intention of the party offending. It was not for them to dive into the secret of intentions--but the intention must be derived from the act itself, when they judged as to guilt or innocence. He went on to the case of Smith O'Brien. According to the doctrine of those opposite, the intention in that case might be said to be good; the House could not enter into the question of intention; they were to be drawn from his conduct. Mr. V. had doubted the validity of qualification of the Hon. Inspector-General. He had consulted with three different Lawyers, Messrs. Hughes, Hatt, and Cameron. How came it he acted wrongly after consulting all these authorities who must have known that Mr. V. was wrong. Hon. members did not deny the doubts in Mr. V.'s mind. Did they, whom he thought necessary to refer to, (so strong were his doubts,) say yea or nay to him, and if so, how could he continue to doubt on the subject. Could he or any one else, hesitate as to the result of those doubts, i.e. to prevent the return of the Hon. Inspector-General. These doubts should be evinced by the refusal to allow that Hon. member to be nominated; after the nomination day, no candidate could be received. But oh! it had been said, that the change of polling days had taken place out of kindness for the Liberal candidate, but this motive was totally unproved by the witnesses produced--nothing whatever was said upon this subject by Major Deeds. Moreover, Mr. V. did not decide as to the legality of qualification until the polling time. How was it he never said to the candidate, "if you do not produce a proper qualification on that occasion, I cannot let you come forward; I postponed the polling days to meet your difficulty, &c..? " But no, he was allowed to come forward, and then only did he (Mr. V.) make known his determination. He hoped the inference he drew from the evidence would not cause hon. members to say that he acted contrary to the duty of a Judge. He duly considered the position of one waiting to receive the judgment of the House. He went on to observe, that if any of the professional men, in the order in which Mr. V. consulted them, had expressed an opinion contrary to his wishes, and he had then referred to another, could his conduct in such a case be considered? Why go to so many? This was a tender cord touched upon by the hon. member for London, who remarked, "what use was it for Mr. V. to ask advice from an adversary?" The truth was, the purport of the opinion of the three first references were unfavorable to Mr. V., who then took advantage of Mr. Cameron passing in a flying manner through the place, who, on being asked, said "it was all right." There was no evidence of any of these professional men brought up on the part of Mr. V., and this omission he could not account for. The hon. member for Hamilton had, in the case of his (Mr. B.'s) County, advised that such a course as that now sought to be adopted by Mr. V., would be wrong. He then commented upon the fact that Mr. V. having, at the commencement of the polling, been in private consultation with Mr. Carroll, and on being remonstrated with, maintained his right to speak with his friends. He also



alluded in strong terms to the fact of none of the four professional advisers of Mr. V. being brought up to give evidence, and said that fact led to the conclusion that the advice of three of them, at least, was against him, and that his determination was made from the first to prevent the return of the Liberal candidate.<sup>72</sup>

COL. GUGY rose amidst cries of "spoke."--Hon. members seemed to forget that there was an amendment before the House. He had been, on three several occasions, accused of consuming the time of the House. Without any expression of contempt, he might perhaps, be open to such an imputation.<sup>73</sup>

MR. SOL. GEN. BLAKE said, he did not tax him with wasting the time of the House, in the abstract, but objected to his (Col. G.'s) mode of advising.<sup>74</sup>

COL. GUGY should be sorry to expose himself to such an attack. It was amusing to see some people, aping the pedagogue, attempting to teach hon. members, without their having learned themselves. He feared not being placed in the scale with the Solicitor General West; he should not kick the beam. They could well spare the time spent by the hon. member, who had seemed to have forgotten that classical refinement, which was inherent in the manner of every gentleman, when he alluded to his (Col. G.'s) acquaintances with the Infernal Regions--(Much laughter.) He did not see the wit and application of this allusion.<sup>75</sup>

Fire, fire, from several members.<sup>76</sup>

COL. GUGY ((continued:)) Yes, he said that kind of fire proceeded from the other side, concealed by the smoke, and perfectly innocuous, which caused as much alarm as the flies and moschetoës (sic) in the backwoods. He had been said to have spoken strongly of the conduct of the Solicitor General West to Mr. Vansittart; he had spoken on the defensive, although, perchance, he might have spoken more stringently than those dared to do, who were obliged to crouch at the feet of their masters. (Hear, hear, and long and continued cheering.) Was that cheer one of approbation or not?--(Yes, yes.) Had they ever seen the malignant glance of the Hyena, scowling in his impotent rage the fellest of the fell?--The present case reminded him of the fable of the wolf and the lamb, for it was aptly illustrated by the brutality of the party now in power--the pattern of rationality, truly, who must punish Mr. V., (because, forsooth, other Returning Officers in 1844 had misconducted themselves) not on account of his own crimes, of a later date; yes, the wolf and the lamb.--There stood Mr. V., helpless, bound hand and foot, and like the grim wolf, they might have the power, but not the right to crush him. He thought of the rat caught in a trap, which caused the man of the house, on reflecting how he could clense (sic) his abode of such customers, singe the vermin, and so let it escape, in order to apprise other rats that there was hot work in a certain quarter that hon. gentlemen wot of. Even so had Mr. V. been treated. He was amused with the didactic and sublimely metaphorical part of the remarks of the hon. Solicitor General West. With reference to cases of 1843 and 1844, he should not retort upon hon. members as he might do; but what, in the name of reason and common sense, had the one case to do with the other? He would remind hon. members opposite, that "by the same measure they measure to others, it shall be meted out to them." And he would forewarn the Solicitor General West, that he would bitterly repent his present unjustifiable proceedings. Mr. V. had been accused of attempting to predispose the electors to support tyrants--that is, if they existed; perhaps the hon. member would tell them where they existed, if any where but in his prolific imagination. He had read

of Don Quixotte charging the windmills, and or Tom Thumb vanquishing giants; such was the case with the hon. member opposite, who, like Tom, created giants for the purpose of destroying them; or who resembled the glass blower's apprentice, who blew out his frail materials in order to demolish them with his stick. He went on to deny the justice of the parallel drawn between the present case and that of Smith O'Brien--a man who was taken with arms in his hands in direct and forcible rebellion against his Sovereign.<sup>77</sup>

MR. SOL. GEN. BLAKE denied having asserted the similarity of the two cases.<sup>78</sup>

COL. GUGY acknowledged the doctrine of the intention being derivable from the actions; it required no Daniel to tell him what any boy knew, but the application of which required heads cleverer than those he then had in his eye. Persons striking with murderous weapons are presumed to have an corresponding intention--but if the mere act invariably denoted a wrongful motive, would they blame the Sheriff, who acted under orders from the Court? A Returning Officer, commissioned by the Crown, and under oath, must act, and for a refusal so to do, a fine was imperative.--The present arguments of hon. members opposite might succeed elsewhere, but it was contrary to the laws of Parliament, composed of men of education and enlightened principles. The Solicitor General West had carped at the opinion of Mr. Cameron, late Solicitor Gen'l.<sup>79</sup>

MR. SOL. GEN. BLAKE denied this;--he entertained the greatest respect for that gentleman.<sup>80</sup>

COL. GUGY.--The greatest respect! while at the same time he (Mr. B.) went out of his way to accuse Mr. Cameron of giving erroneous opinions,--a manner of adverting to a gentleman, (who was absent) which must arouse universal indignation. He (Col. G.) was not intimate with him, but, from his observations on former occasions he considered him as a most hon. member, whose remarks abounded with luminous and just arguments, and as one who certainly would not suffer by comparison with the Hon. Attorney-General, West. Having thus far alluded to the present question, he must express his conviction that a system based upon such support must come to speedy destruction.<sup>81</sup>

MR. INSP. GEN. HINCKS said that in the remarks he had previously made, he had confined himself to the question before the house, and attempted to form a correct judgment on the facts before them. In pursuing that course he was happy to say he had met the approbation of the hon. member for London, and in expressing his own gratification he expressed<sup>82</sup> he doubted not<sup>83</sup> that of every man on his side of the house. It seemed, however, that he had excited the indignation of the hon. member for Sherbrooke, and he only rose to say that he regarded the insolence of the hon. member for Sherbrooke with the most utter and sovereign contempt.<sup>84</sup> (Loud cries of order.)<sup>85</sup>

MR. H. SHERWOOD (Toronto) here moved to extend the time for receiving Petitions on Private Bills to 1st March next.<sup>86</sup>

MR. PAPINEAU said the motion could not be received, as a motion of Order was now before the Chair, that must take precedence of all other matters.<sup>87</sup>

MR. RICHARDS addressed the House at some length, saying, that if<sup>88</sup> the gentleman at the bar of the House<sup>89</sup>, the friend of the Opposition, was in his



present unpleasant position, they might thank themselves for it, by their bringing the laws into contempt while they were in power; when parties were alleged to have been forced by them to vote against conscience.<sup>90</sup>

Loud cries of name, name, from the Opposition benches.<sup>91</sup>

MR. RICHARDS ((continued:)) He ridiculed the recommendation of the hon. member for Sherbrooke, to hon. members to regard the question coolly and calmly. They certainly had a queer specimen of his coolness that day. It had been urged that the Returning Officer's duty was of a judicial character; but it was so only until nomination, after which that officer was functus officio, and acted in a purely Ministerial capacity. He referred to the law upon the point.<sup>92</sup> Now he would ask this question--Whether, if the Returning Officer for the County of Oxford had desired to trick the electors out of their rights, it would have been possible for him to adopt a course better adapted to accomplish that purpose. On the other hand supposing him to have been actuated by honest and fair motives, nothing was encountered but difficulty and contradiction. First, the House was told that Mr. Vansittart did not refuse the qualification at first, because he desired to allow Mr. Hincks to send up another; but when this other was sent up, it was said that it was too late. Then it was alleged that he knew the party for whom he acted would be in a minority in Parliament; but the hon. member for Durham, by comparing dates had shown that this could not be so. After having once admitted the qualification so far as to call on the electors to vote, the returning officer's judicial quality ceased, and he had nothing more to do except to pursue the plain course required by law. The hon. member for Sherbrooke had approached the subject with language anything but consonant with the dignity of the House. He had even descended to personalities and spoke of the smiles of the hon. Inspector-General. He might tell the hon. member that his own smiles were not particularly winning, and that if he had a looking-glass before him, while he was speaking, the House would probably have less of them--

"Oh, wad some power the giftie gie us."

Well, now, he would ask, if the conduct of the returning officer were not a direct violation of the rights of the freeholders of Oxford--what was it? The hon. member for London sustained every principle contended for on that side of the House, and yet he would not call the act of the returning officer by its right name. The returning officer asked the electors to say, if they would have the hon. Francis Hincks as their representative: they said yes; and then the returning officer declared the other candidate duly elected. He ought not to have done this; he was stopped from making such a declaration by the fact of his having put the question to the electors. He could not say that Mr. Vansittart had acted correctly; perhaps his judgment was perverted; but there was reason to fear it might have been perverted to return the candidate of his own party, as it was to appoint deputy returning officers exclusively from that party.--The House could not take into consideration who the party was, who was before them; but they could and ought to remember how often these offences had been committed. Mr. Vansittart's own friends admitted that he had done wrong; he ought then to be punished in such a way as Returning Officers in general would feel the most, which was by loss of office.<sup>93</sup>

MR. J. A. MACDONALD (Kingston) rose amidst loud cries of question. He dwelt in severe terms on the very important position of the hon. Inspector General, who had acted both as an accuser and judge in a personal matter. He blamed strongly the vindictive behaviour of that hon. gentleman throughout an affair in which it would have been far more creditable to him not to

have meddled, but to have left it to the hands of Parliament. He alluded to the course adopted in returning that hon. member at the last Election but one. In the present case, he should be heard as before an Election Committee, acting as his own Advocate, not as a Judge.--This case, he regretted to say, would cause a painful sensation in the country, as being contrary to law, and being marked by ungenerous and vindictive feelings on the part of hon. members opposite, and as one that was totally unworthy of the Advisers of the Crown. He regretted also that these proceedings had not commenced during the present Session; they would have been treated much better, for he was convinced that the talents and knowledge of the Attorney General West would not have allowed an unfortunate, powerless, individual, like, Mr. V., to be so treated.--(Hear, hear.) Such proceedings would not be sanctioned in England, where a party so charged had a patient hearing, to investigate fully the facts, as to guilt or innocence, and would be allowed the assistance of Counsel; but now there was no altering the solemn decision of Parliament, obtained, certainly from the mere naked fact of his not having returned the candidate having the majority of votes, and without affording an opportunity for explanations connected therewith. The whole affair reminded him of the account given by Scott, of the custom, at a certain period, on the confines of England and Scotland, where a man was hanged and tried afterwards. In alluding to the defence of Mr. V.<sup>94</sup>

No, from MR. INSP. GEN. HINCKS, excuse<sup>95</sup>.

MR. J. A. MACDONALD ((continued:)) Was that a defence in which all the cunning and ingenuity of cross-examination, and every artifice to make Mr. V. criminate himself, was practised, not only by the hon. member for Middlesex, who was well able to do more than was necessary, but by numbers of hon. members besides? Was this what the hon. the Inspector-General called receiving excuses? When a statement had been made, it should have been allowed to rest there, instead of their having a witness (Mr. Brown) forced upon them, who called out loud enough to be heard in the Reporter's gallery, to the hon. Solicitor General East, "I can disprove that, have me up," &c.<sup>96</sup>

MR. SOL. GEN. DRUMMOND denied this. He had acted better towards Mr. V. than others. He had not the same feeling as many had against him. He did not cross-examine him, and Mr. V. ought to feel thankful to him for his forbearance.<sup>97</sup>

MR. J. A. MACDONALD.--Attempts had been made to do away with the effect of the evidence. Certainly Mr. V. would not have consulted four professional friends, if he had imagined their feelings were against him. He wrote to the Attorney and Solicitor-General, but either received no answer, or received it too late. He then consulted Mr. Hughes.<sup>98</sup>

MR. INSP. GEN. HINCKS repeated twice, "The paid agent of my opponent."<sup>99</sup>

MR. J. A. MACDONALD--No matter, he was a lawyer, and a good one. He then spoke to the others, who all clearly stated their opinions that Mr. Hincks was not valid. With these united opinions what could Mr. V. do? The law decided, that if the candidate did not produce a sufficient qualification, he could not be elected. He then alluded to the remarks made as to Mr. J. Hilyard Cameron.<sup>100</sup>

MR. SOL. GEN. BLAKE.--No. He had a high respect for that gentleman, but he had feared that Mr. C.'s political views were an obstacle to his giving an honest and impartial opinion. He denied the fact of the four professional



men's advice, as stated by the hon. member for Kingston.<sup>101</sup>

MR. J. A. MACDONALD.--Let the hon. member's own side disprove his assertion by evidence. It was their business. He would stand by it. Were he similarly situated to Mr. V., he would have perfect confidence in the opinions of hon. members, however opposed to him in politics. Mr. V. did so; he even asked the opinion of the Law Officers of the Crown, who, be it remembered, are responsible for the advice they give. Much ridicule has been cast upon the kindness of Mr. V. towards the liberal candidate, and very unjustly; great suspicion, too, was sought to be cast upon the fact of the polling days being changed; but the very good reason for this was, that on the two days first appointed, various Courts of Law were sitting, and consequently occupied much of the time and attention of a considerable number of persons, clients, jurors witnesses, &c. (Question.) He then dwelt upon the great expense that had fallen upon Mr. V. in this unpleasant business. The reason that brought him here with witnesses was, not to put aside the judgment of the House, but, as an honourable-minded man, he wished to defend his character against the attacks made upon it by Mr. Brown. (Question.) He hoped and trusted the House would act with leniency towards Mr. V.'s infirmity of judgment in this particular.<sup>102</sup>

MR. MORIN, the SPEAKER here declared the House adjourned, it being six o'clock.<sup>103</sup>

(76)

*At six o'clock, P. M., pursuant to Order, the House was adjourned by Mr. Speaker, without a Question first put, till Monday next.*

APPENDIX: 9 FEBRUARY 1849.

((QUESTION AND ANSWER RE: REDUCING TOLLS IN UPPER CANADA.))

MR. ROBINSON ((inquired)) whether it was the intention of the Ministry to expend the balance of the grant of £1000 for reducing the tolls on the town of Mono and Adjala, in the District of Simcoe, and for the Nottawanga Road, during the coming summer.<sup>104</sup>

MR. INSP. GEN. HINCKS stated that he could not hold out any hopes of its being done.<sup>105</sup>



FOOTNOTES: 9 FEBRUARY 1849.

1. The debate on this matter was reported by: PILOT, 14 February 1849; MONTREAL GAZETTE, 12 February 1849, and HAMILTON SPECTATOR, 21 February 1849, in identical accounts; BRITISH WHIG and BROCKVILLE RECORDER, 15 February 1849, PILOT, 12 February 1849, and GLOBE, 17 February 1849, in identical accounts. Commentaries may be found in LE JOURNAL DE QUEBEC, 13 February 1849, PILOT, 12 February 1849, and BRITISH WHIG, 13 February 1849. Whenever necessary, selections are reproduced from the HAMILTON SPECTATOR instead of the less legible MONTREAL GAZETTE, and the GLOBE instead of the PILOT.
2. GLOBE, 17 February 1849.
3. HAMILTON SPECTATOR, 21 February 1849.
4. GLOBE, 17 February 1849.
5. HAMILTON SPECTATOR, 21 February 1849.
6. GLOBE, 17 February 1849.
7. HAMILTON SPECTATOR, 21 February 1849.
8. GLOBE, 17 February 1849.
9. HAMILTON SPECTATOR, 21 February 1849.
10. GLOBE, 17 February 1849.
11. HAMILTON SPECTATOR, 21 February 1849.
12. GLOBE, 17 February 1849.
13. HAMILTON SPECTATOR, 21 February 1849.
14. GLOBE, 17 February 1849.
15. HAMILTON SPECTATOR, 21 February 1849.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. PILOT, 14 February 1849.
25. HAMILTON SPECTATOR, 21 February 1849.
26. PILOT, 14 February 1849.
27. HAMILTON SPECTATOR, 21 February 1849.
28. PILOT, 14 February 1849. The ellipses represent illegible words.
29. PILOT, 14 February 1849.
30. IBID.
31. HAMILTON SPECTATOR, 21 February 1849.
32. IBID.
33. IBID.
34. PILOT, 14 February 1849.
35. HAMILTON SPECTATOR, 21 February 1849.
36. IBID.
37. IBID.
38. IBID.
39. PILOT, 14 February 1849.
40. HAMILTON SPECTATOR, 21 February 1849.
41. IBID.
42. IBID.
43. IBID.
44. IBID.

45. PILOT, 14 February 1849.
46. HAMILTON SPECTATOR, 21 February 1849.
47. IBID. The PILOT, 14 February 1849, has £10.
48. HAMILTON SPECTATOR, 21 February 1849.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. PILOT, 14 February 1849. The ellipses represent illegible words.
56. HAMILTON SPECTATOR, 21 February 1849.
57. PILOT, 14 February 1849.
58. IBID.
59. HAMILTON SPECTATOR, 21 February 1849.
60. PILOT, 14 February 1849.
61. HAMILTON SPECTATOR, 21 February 1849.
62. PILOT, 14 February 1849.
63. IBID.
64. IBID.
65. HAMILTON SPECTATOR, 21 February 1849.
66. IBID.
67. PILOT, 12 February 1849.
68. GLOBE, 17 February 1849.
69. IBID.
70. IBID.
71. IBID.
72. HAMILTON SPECTATOR, 21 February 1849.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. GLOBE, 17 February 1849.
83. HAMILTON SPECTATOR, 21 February 1849.
84. GLOBE, 17 February 1849.
85. HAMILTON SPECTATOR, 21 February 1849.
86. IBID.
87. IBID.
88. IBID.
89. GLOBE, 17 February 1849.
90. HAMILTON SPECTATOR, 21 February 1849.
91. IBID.
92. IBID.
93. GLOBE, 17 February 1849.
94. HAMILTON SPECTATOR, 21 February 1849.
95. IBID.
96. IBID.
97. IBID.



- 98. IBID.
- 99. IBID.
- 100. IBID.
- 101. IBID.
- 102. IBID.
- 103. IBID.
- 104. MONTREAL GAZETTE, 12 February 1849.
- 105. IBID.

MONDAY, 12 FEBRUARY 1849.

(76)

Toronto Mechanics' Institute.

MR. Speaker laid before the House, a Statement of the real and personal estate of the Toronto Mechanics' Institute.

Appendix (U.)

For the said Statement, see Appendix (U.)

A number of Petitions were brought up, a considerable portion of which were without dates or signatures; some had documents attached to them which were not alluded to in the Petition; and one was addressed to the Governor; all of which were refused by the Speaker.<sup>1</sup>

(76)

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Smith, of Frontenac,--The Petition of George M'Leod and others, of the Village of Portsmouth, Township of Kingston.

By Mr. Brooks,--The Petition of William Ritchie, on behalf of the Trustees of the Sherbrooke Academy.

By Mr. Beaubien,--The Petition of the Mayor and Councillors of the of the Municipal Council of the Village St. John, County of Chambly.

By Mr. Stevenson,--The Petition of William Blakely and others, of the third Concession of Ameliasburgh, District of Prince Edward; and the Petition of Robert C. Wilkins and others, of Ameliasburgh, District of Prince Edward.

By Mr. M'Lean,--The Petition of James Bowie, of the City of Montreal, Esquire.

By Mr. Bell,--The Petition of Daniel Villiard and others, of the Township of Pakenham, District of Bathurst.

By Mr. Chabot,--The Petition of George O'Kill Stuart, Esquire, Mayor, on behalf of the inhabitants of the City of Quebec; the Petition of William Ruthven, of Quebec; the Petition of the Quebec Friendly Society; and the Petition of John Birch and others, of Quebec.

By the Honorable Mr. Boulton,--The Petition of Israel W. Powell, Esquire, and others, of Port Dover in, the District of Talbot, and its vicinity.

By Mr. Wetenhall,--The Petition of Levi Willson and others, of the Township of Trafalgar, District of Gore; the Petition of the Municipal Council of the District of Gore (Property in Hamilton); the Petition of John Miller and others, of the Township of Nelson, District of Gore; and the Petition of Samuel Stanton and others, of Dumfries.

By Mr. Taché,--The Petition of Samuel Bradley, of St. Germain de Rimouski, trader; the Petition of the Tribe of Amalecite Indians residing in the Townships in the rear of the Parish of L'Isle Verte; and the Petition of Nicolas Boucher, of St. Arsène, Teacher.

By Mr. Chauveau,--The Petition of the Religious Ladies of the Community of the General Hospital of Quebec; the Petition of the Institut Canadien de Québec; the Petition of John Fraser and others, of Ristigouche; and the Petition of P. M. Bardy, Esquire, and others of the City of Quebec.

By Mr. M'Farland,--The Petition of John Graybiel and others, of the District of Niagara.

By Mr. Gugy,--The Petition of Edward Hale, Esquire, and others, of the Town and vicinity of Sherbrooke, District of St. Francis.

By Mr. Holmes,--The Petition of the Faculty of Medicine of the University of McGill College.



By the Honorable Mr. Cameron, of Kent,--The Petition of John C. W. Daly, Esquire, and others, Magistrates and District Councillors of the eastern section of the District of Huron.

By Sir Allan N. MacNab,--The Petition of the President and Directors of the Niagara Falls Suspension Bridge Company.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Robert Griffith and others, of the Township of Cayuga, County of Haldimand; praying that the said County be erected into a new District.

Of the Municipal Council of the District of Niagara; praying that the Census of the Province may not be again taken before the year 1855.

Of Augustin Martineau and others, of the County of Kamouraska; praying for the repeal of the Education Law, and the enactment of a more voluntary system.

Of the Reverend L. A. Bourret and others, of Ste. Anne La Pocatière and the Township of Ixworth; praying for aid to extend the Road known as the Government Road.

Of Theophilus Rickaby and others, of the Town of Three Rivers; praying that the Common of the said Town may be vested in the Municipal Council.

Of Richard E. Vidal, Esquire, and others, of Port Sarnia; praying for the adoption of measures of aid in the construction of a Railroad leading from Quebec to the western limits of the Province.

Of J. R. Freeman and others, of the Town of Chatham; praying that the Charter of the Niagara and Detroit Rivers Railroad Company may be renewed, with certain amendments.

Of George Hyde and others, of the northern Townships of the County of Kent; praying that the said Townships may be set apart as a separate District, but that they may remain annexed to the Western District until their population shall warrant such a division.

Of Messieurs Hamilton and Thomson, and others engaged in the Timber Trade of Canada; praying that no alteration may be made in the Lumber Act, unless sought for by those directly interested in the character and protection of the said Trade.

Of John Vansickle and others, of the Township of Beverly, District of Gore; praying that no division may be made of the said District.

Of W. Miller and others, of the Township of West Flamborough, District of Gore; praying that no division may be made of the said District.

Of the Right Reverend Patrick Phelan, Bishop of Carrhae, and Administrator of the Diocese of Kingston, and others, Catholics of Upper Canada; praying that suitable provision be made for the College of Regiopolis.<sup>2</sup>

Of Abraham Schooley and others, of the District of Niagara; praying that the Charter of the Niagara and Detroit Rivers Railroad Company may be renewed.

Of the Reverend Louis Poulin and others, of the Parish of St. Isidore, County of Dorchester; praying that the arrears of rents due on unconceded lands in the said Parish be remitted,--that Deeds of Concession be granted for the said lands, and the fees of the Agents reduced.

Of Siméon Larochelle and others, of the Parish of St. Anselme, County of Dorchester; complaining of certain new charges imposed upon them by the Seigneur of Lauzon, and praying to be relieved from the payment of such charges for the future.

(77)

Of Amable Paré and others, of the Parish of St. Isidore de Lauzon,

County of Dorchester; praying for the adoption of measures to facilitate the commutation of lands held en fief and en censive.

Of the Very Reverend A. Mailloux and others, of the Parish of St. Charles, County of Bellechasse; praying for the adoption of certain measures to restrain the evils of Intemperance.

Of the Reverend J. Asselin and others, of the Parish of L'Ange Gardien, County of Montmorency; praying for the adoption of certain measures to restrain the evils arising from Intemperance.

Of the Reverend E. Payment and others, of the Parish of Charlesbourg, County of Quebec; praying for the adoption of measures to prevent the granting of Tavern Licenses in the said Parish.

Of James Sampson and others, inhabitants of Lot No. 24, first Concession of Kingston; praying that the said Lot may be included in the Corporation of Kingston, as is proposed by the Bill to amend the Act incorporating the said City.

Of John Young and others of the City of Hamilton; praying for an Act of Incorporation, under the name of the Ontario Marine and Fire Insurance Company.

Of the City Council of the City of Hamilton; praying that the Act incorporation the said City may be amended.

Of John F. Wilson and James Gardiner, on behalf of the Bay of Quinté Annual Conference of the Methodist Episcopal Church in Canada; praying that the Act relating to the Census of the Province may be amended by substituting an annual for a quarterly Return, to the Clerks of the Peace, of Baptisms, Marriages, and Burials.

Of Michael Scott and others, of the vicinity of River du Cap Rouge; praying that certain parts of the Parishes of Ste. Foye, St. Augustin, and L'Ancienne Lorette, may be formed into a separate School District.

Of Robert Shedden, of the City of Montreal; praying a more adequate indemnification for the loss of his property during the Troubles of 1837 and 1838.

Of the Reverend F. T. Lahaye and others, of the Village of Industrie, County of Berthier; praying to be incorporated under the name of "Les Clercs Paroissiaux ou Catéchistes de Saint Viateur."

Of the Reverend F. T. Lahaye, Director of Joliette College, in the Village of Industrie, County of Berthier; praying aid for the said College.

Of Samuel W. Smith and others, creditors of the late Municipal Council of the District of Sydenham; praying for the payment of their claims.

Of Matthew Bostwick, of the Town of Sherbrooke; praying for an investigation into the conduct of the Collector of Customs at the Port of Quebec, with reference to a certain seizure of cattle made by the Petitioner in the year 1846.

Of the Reverend P. F. Durocher, in behalf of the Montagnais Indians; praying that an annuity be granted to the said Indians, to be paid out of the monies received for the lease of the King's Posts; and that the lands between the Rivers Bitsiamits and Aux Outardes, and certain other lands, be granted them for hunting grounds.

Of the University of Queen's College, Kingston; praying for an adequate endowment for the said College.

Of the Board of Trustees, Queen's College, Kingston; praying for aid.

Of James Sparks and others, of the County of Frontenac; praying for an extension of the limits of the City of Kingston, as petitioned for; and for the continuation of the Montreal Road through the Artillery Reserve.



Of the Very Reverend Archdeacon Stuart and others, of Lot No. 24, in the vicinity of Kingston; praying that the said Lot may not be annexed to the City of Kingston.

Of Lyman Thornton and others, of the Township of Blanchard; praying to be attached to the District of London.

Of Benjamin Workman, Esquire, and others, of the City of Montreal, and its vicinity; praying for the abolishment of punishment by death.

Of Joseph Ainsse, Esquire, and others, of the County of Verchères; praying indemnification for losses sustained by them during the Troubles of 1837 and 1838.

Of Ebenezer Baird, Esquire, and others, of the City of Quebec; praying that the privileges of Corporate Bodies may be granted to Building Societies established in the District of Quebec.

Of William Phillips, of the Quebec, Esquire; praying indemnification for the loss of his property destroyed during the Troubles of 1837 and 1838.

Of the Municipal Council of the second division of the County of Bonaventure; praying that the meetings of the said Council may in future be held at Carleton, instead of New Richmond.

Petition of A. Rivard and others;

Ordered, That that part of the Petition of Alexis Rivard and others, of the County of Rimouski, praying that the price of Crown Lands may be reduced, and a longer time allowed for payment,

be referred to the Select Committee appointed to enquire into the causes of Emigration from Canada to the United States.

Of O. E. Casgrain and others;

Resolved, That the Petition of O. E. Casgrain and others, of the lower part of the County of L'Islet, be referred to a Select Committee

composed of Mr. Fournier, Mr. Duchesnay, Mr. Cauchon, Mr. Bouthillier, and Mr. Mongenais, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of B. Marquette and others;

Resolved, That the Petition of B. Marquette and others, the President, Officers, and Members of the Association of Teachers of the District of Quebec, be referred to a Select Committee com-

posed of Mr. Laurin, Mr. Jobin, Mr. Guillet, Mr. Chabot, and Mr. Chauveau, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Of B. H. Charlebois and others.

Resolved, That the Petition of B. H. Charlebois, Esquire, and others, Physicians and Surgeons of Lower Canada, be referred to a Select Committee composed of Mr. Taché, Mr. Beaubien, Mr.

Fortier, Mr. Bouthillier, the Honorable Mr. Papineau, Mr. Davignon, and Mr. M'Connell to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of F. X. Thompson;

Ordered, That the Petition of F. X. Thompson be referred to the Select Committee to which was referred the Petition of Charles Cazeau, and others,

Cullers, of the District of Quebec.

Of A. M'Don-  
ell and  
others;

Ordered, That the Petition of Alexander M'Donell  
and others, be referred to the Select Committee  
appointed to enquire into and report upon the  
state of the Lumber Trade, the causes of its

present depression, the protection of the forests from unnecessary des-  
truction, and upon all other matters affecting the lumbering interests of  
this Province.

Ordered, That Mr. Chabot, Mr. Chauveau, and Mr. Malloch be added to the said  
Committee.

Of A. Schooley  
and others;

Ordered, That the Petition of Abraham Schooley and  
others, of the District of Niagara; the Petition

(78)

Of the Great  
Western Rail-  
road Company;

of the Great Western Railroad Company (Charter);  
the Petition of the Great Western Railroad Com-  
pany (Niagara and Detroit Rivers Railroad Com-  
pany); the Petition of H. LeMesurier, Esquire,  
Vice President, on behalf of the Board of Trade  
of Quebec (Railroads); and the Petition of the  
Reverend William Ritchie and others, of the  
County of Essex, and others; be referred to the  
Standing Committee on Railroad and Telegraph

Of H. LeMesurier;

Of the Reverend  
W. Ritchie and  
others;

Line Bills.

Of D. Wood  
and others;

Ordered, That the Petition of David Wood and others,  
of the Township of Walpole, be referred to the  
Select Committee to which was referred the Pet-  
ition of John Jones and others, of the Township of Walpole.

Of J. Yule and  
others;

Ordered, That the Petition of John Yule, Junior,  
Esquire, and others, of Chambly; the Petition  
of the Reverend J. C. Léonard, of the City of  
Montreal; the Petition of Thomas Bowerman and  
others, of the Townships of Sophiasburgh and  
Hallowell; the Petition of the Honorable William  
Walker and others, of the City of Quebec; and  
the Petition of James Cuthbertson and others,  
shareholders in the Sault Sainte Marie Mining  
Company, be referred to the Standing Committee

Of Reverend  
J. C. Léonard;  
Of T. Bowerman  
and others;  
Of the Hon. W.  
Walker and others,  
referred.

on Standing Orders.

Report on  
Petition of R.  
Hobson and  
others.

Mr. Cauchon, from the Select Committee to which  
was referred the Petition of Robert Hobson and others,  
District Councillors and Magistrates of the District  
of Niagara, and other references, presented to the  
House the Report of the said Committee; which was read,

as followeth:--

Your Committee have given a careful consideration to the Petition re-  
ferred to them; the matter prayed for by the Petitioners, viz.: the removal  
of the site of the Niagara District Town, is one that for a long time past  
has been much desired by a large portion of the inhabitants of the District,  
and has frequently engaged the attention of Your Honorable House. On re-  
ferring to the Journals for the Session of 1846, Your Committee find a  
Report made by a Committee on this subject, in the following terms:--

"Your Committee have taken into consideration the various references  
submitted to them, and after a careful investigation and examination of the



subject, are of opinion, that the Municipal Council, representing as they do the whole body of the District of Niagara, and having come to an almost unanimous conclusion as to the absolute necessity of removing the present site of the District Town to a more central position, in order that the interests of the inhabitants may be placed upon a more equitable footing, not only as regards public convenience, but also the expenses necessarily attendant upon the Administration of Justice, situated as the Town now is, at an extreme point of the District.

Your Committee further beg to state, that Petitions from the several Townships in the District, numerously signed, have been referred to Your Committee, respectfully and strongly praying Your Honorable House for the removal of the site from its present position.

Your Committee also find, that a Report was made by a Select Committee of Your Honorable House at its last Session, recommending that the site of the District Town aforesaid might be removed to Port Robinson.

From the expression of the Municipal Council, emanating as it does from a body representing the interest and the well understood wishes of the people, and now strengthened by Petitions from the several Townships to the same effect; Your Committee cannot do otherwise than strongly and respectfully recommend the prayer of the Petitioners to the favorable consideration of Your Honorable House, and that leave may be granted to introduce a Bill to remove the site of the present District Town to Port Robinson, as a convenient place; and to provide for the erection of public buildings thereon."

Again, in the Session of 1848, Your Committee find a Report from another Committee, on the 21st of March, in the following terms:--

"Your Committee, in obedience to the Order of Your Honorable House, have examined the contents of the Petition referred to them, as also the Entries in the Journals of previous Sessions upon this subject, and have unanimously agreed to adopt the recommendations of previous Committees, and again most earnestly to recommend to the favorable consideration of Your Honorable House, the passage of a Bill removing the site of the present District Town to a more central position in accordance with the prayer of the Petition, emanating as it does, from a body representing the interests of every section of the District."

In addition to the strong terms in which the removal of the District Town is recommended in the foregoing Reports, Your Committee have now before them the Petitions presented during the present Session, and referred to them by Your Honorable House. These Petitions refer Your Honorable House to the Reports above quoted, and praying earnestly that the recommendations contained therein may be carried into effect. One of these Petitions is signed by a large number of District Councillors and Magistrates of the District, the other two Petitions by the inhabitants generally, and appended to one of them they find a certified extract from the Minutes of the Niagara District Council on 13th May, 1842, and a further extract from the proceedings on the 12th November of the same year; at which last meeting the following Councillors were present, viz: The Warden, and Messrs. Dickson, Ball, M'Donald, Dettrick, Patterson, Rowe, Riceley, Powell, M'Farland, Hobson, Clark, Kilborne, Secord, Tisdale, Cummings, Misener, Scholfield, Brookfield, Fralick, Sheehan, Thompson, Darling, Root, Jackson, Gee, and Cooper. A Petition was then unanimously adopted to be presented to Your Honorable House, to the following effect:--

"Your Petitioners are truly gratified that Your Honorable House has been pleased, as they are given to understand, to adopt the Report of a Special Committee of Your Honorable House, recommending that time should be allowed to

Your Petitioners to name a place where they would wish the site of the District Town to be placed, thereby, in the opinion of Your Petitioners, pledging itself to carry out the just and almost unanimous wishes of Your Petitioners so soon as they fix upon such site.

That Your Petitioners have accordingly taken the matter into their serious consideration, and have selected the Village of Port Robinson in the Township of Thorold, in the County of Lincoln, as the site of the new District Town; which selection they trust will meet the concurrence and approbation of Your Honorable House."

Your Committee have had before them Walter Hamilton Dickson, Esquire, Member for the Town of Niagara, and have heard the arguments urged by him against the removal; they are not, however, of opinion that the objections he has offered are of such a nature as to be of any weight compared with the evidence afforded by the above documents; and as it appears to Your Committee beyond a doubt, that the location of the District is, and has long been a grievous burthen upon the inhabitants of the District generally, Your Committee feel bound to add a strong recommendation to those already offered, and to urge upon Your Honorable House the expediency of providing

(79)

for the removal of the District Offices of Port Robinson, which is in the most central position that circumstances will admit of, and accords with the wishes of the great bulk of the inhabitants, as expressed in the proceedings of the District Council above extracted, and also, in several of the Petitions presented at various times to Your Honorable House.

MR. CAUCHON moved for leave to bring in a bill to carry out the recommendation of the committee in removing the district town from Niagara to Port Robinson.<sup>3</sup>

A short discussion took place as to whether the notice necessary on private bills should not be given, in which MR. DICKSON, SIR A. MACNAB, and MR. BOULTON took part. It was ultimately agreed that the bill be read a first time<sup>4</sup>.

(79)

Niagara Dis-  
trict Town  
Bill.

Ordered, That Mr. Cauchon have leave to bring in  
a Bill to remove the site of the District Town  
of the District of Niagara, to Port Robinson  
in the Township of Thorold, in the County of

Welland.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Fifth Report of  
Committee on  
Standing Orders.

The Honorable Mr. Boulton, from the Standing  
Committee on Standing Orders, presented to the  
House the Fifth Report of the said Committee;  
which was read, as followeth:--

Your Committee have examined the Petition of Joseph O. Bélanger and others, praying for authority to build a Bridge across the River Etochemin; and they have ascertained that the requisite notices were published by the Petitioners, from the 26th November, 1848, to the 11th January, 1849, only, being less than two months, as required by the 66th Rule. As, however, there is no opposition to the measure, Your Committee would respectfully recommend it to the favorable consideration of Your Honorable House.



Leave of  
absence.

Ordered, That Mr. Fourquin have leave to absent himself from this House till the nineteenth instant, on account of illness in his family.

Commutation  
of Tenure Bill.

Ordered, That Mr. Christie have leave to bring in a Bill to amend the Act passed in the eighth year of Her Majesty's Reign, intituled, "An Act the better to facilitate optional commutation of tenure of lands en roture, in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu-roturier."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

MR. LYON<sup>5</sup> introduced a bill to amend the law of Dower in Upper Canada. The first part of the bill Mr. Lyon stated, was to alter that part of the law which allowed a widow to make demands on persons who might purchase land which belonged to her husband, and which (as we understood it) she had not sanctioned. The second part of the bill was intended to facilitate the process of settlement of the claims of widows in such cases.<sup>6</sup>

MR. AT. GEN. BALDWIN was strongly opposed to interfering with the rights of widows, and would oppose that part of the bill, but as far as facilitating the law proceedings necessary in the settlement of such claims was concerned, he had no objection to that part.<sup>7</sup>

MR. BOULTON thought it hard that land should be tied up as it was by the law at present in existence. He knew of a case where a person had purchased land, the sale of which was not sanctioned by his wife. The person who made the purchase expended about £10,000 in the improvement of the land, and after the lapse of many years, the widow of the former proprietor came against him, and although not a penny had been expended in improving the land by her husband, yet she compelled the person who had purchased it, and who had spent his money in its improvement, to pay her a sum of £300 a year.<sup>8</sup>

MR. J. SMITH (Durham) said, that in the case instanced, if the person purchasing had used proper caution, it could not have so happened. It was the duty of persons purchasing land to look well to whatever burdens may be upon it. The wife, by the law of the country, was entitled to her dower, and he would object to any interference with it.<sup>9</sup>

MR. ASST. COM. P. W. CAMERON wished the hon. gentleman would withdraw his bill for the present, as one on the same subject had been introduced into the Upper House; and, upon the receipt of it by the Lower House, the honble. gentleman would be able to decide whether the provisions it contained met his views or not. The expression of the country on this subject, he thought, had been pretty well tested, when a measure of the same kind been brought forward, and which had been thrown out of the House in a former session. He thought it would be as unjust for a partner in a firm to dispose of property without the sanction of the other, as for the husband to dispose of property without the sanction of his wife. He would suggest to the hon. member to withdraw the bill, till the one from the other House came before them.<sup>10</sup>

MR. SOL. GEN. BLAKE said that the wife, by marriage, was entitled to her dower, whether the land was improved or not; and it would be unjust to deprive her of what was her right. He was therefore opposed to interfere

in the matter. He was not averse to any measure which might try to facilitate the process of settlement, but would object to interfering with the law in any other way.<sup>11</sup>

MR. BURRITT said the present law stood much in way of improvements and so far as the present bill sought to facilitate the law processes in the matter, he would support it.<sup>12</sup>

(79)

Dower Bill. *Ordered, That Mr. Lyon have leave to bring in a Bill to amend the law and facilitate proceedings in Actions of Dower in Upper Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

MR. CHRISTIE<sup>13</sup> moved that a Committee of seven members should be appointed for the purpose of investigating the public accounts, and also the accounts of the Trinity House, Quebec. He would explain the reason why he proposed that the accounts of the Trinity House should be referred to the Committee. It would be in the recollection of hon. members that a vote had passed the House, session previous to the last, placing a sum of money at the disposal of the Trinity House for the purchase of a tug steamer. That vote was negatived in the other House by some influence which he would not attempt to explain, merely remarking that it was an extraordinary proceeding for the Upper House to negative a vote passed in this House for a grant of money. The consequence has been, that the Trinity House has been compelled to hire a steamer at an expense which would have been more than sufficient for the purchase of a new one. In connection with this subject, he would mention that that person who had taken the contract for supplying the steamer was himself a member of the Board. (Hear, hear.) It was a shameful collusion, and he called on the Government to take steps to put a stop to it. (Hear.) No man should be allowed to sit at that Board and contract with himself for the supply of a steamer at the rate of £2000 per annum, and he desired that instructions should be given to the Committee to enable them to deal with this glaring case of collusion.<sup>14</sup>

MR. CAUCHON expressed his concurrence in the remarks of the hon. member for Gaspé.<sup>15</sup>

(79)

Public Accounts, and Quebec Trinity House Accounts. *Resolved, That the Public Accounts for 1847, together with the Accounts of the Trinity House of Quebec, be referred to a Select Committee composed of Mr. Christie, Mr. DeWitt, Mr. Holmes, Mr. Méthot, Mr. Wetenhall, Mr. Wilson, and Mr. Cauchon, to report thereon from time to time; with power to send for persons, papers, and records.*

Les Soeurs de Miséricorde Bill.

*Ordered, That Mr. Jobin have leave to bring in a Bill to incorporate "Les Soeurs de Miséricorde pour la régie de l'Hospice de la Maternité de*

*Montréal."*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*



Mount Hermon  
Cemetery Bill.

Ordered, That Mr. Chauveau have leave to bring in  
a Bill to incorporate "The Mount Hermon Cemetery."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

COL. GUGY gave notice to move an Address to His Excellency for documents relative to the case of Joseph Donegani. He observed that documents were commonly given in England, which were studiously concealed in this country.<sup>16</sup>

MR. AT. GEN. BALDWIN did not understand what the hon. gentleman meant by saying that documents were studiously concealed in this country, which were given in England. The present Ministry were prepared to grant any thing sanctioned by English precedent. It was not customary in England to give the advice of the Law Officers of the Crown, and objected to that part of the motion which would call for the opinions of the Law Officers of the Crown in this case.<sup>17</sup>

COL. GUGY had no objection to alter that part of his motion.<sup>18</sup>

(79)

On motion of Mr. Gugy, seconded by Mr. Christie,

Joseph Donegani.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to direct the proper officer to lay before this House, any documents that may be in the possession of the Provincial Government connected with the case of Mr. Joseph Donegani, of the City of Montreal, on the Bill passed in the year 1845, for his relief, or copies of any Despatches connected therewith, that may be in the possession of the Government.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. ARMSTRONG gave notice of moving an "Address to His Excellency for Returns of Suits in Courts of Queen's Bench, Montreal." He stated that his object was to prevent the centralization of all the business of the country in Montreal. The proposed Judicature Act was insufficient to satisfy the necessities of the country.<sup>19</sup>

(79)

On motion of Mr. Armstrong, seconded by Mr. Jobin,

Suits in Superior Court of Queen's Bench, District of Montreal.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Statement of the number of Suits which have been instituted for the last twelve months in the Superior Court of Queen's Bench for the District of Montreal, and the number of Judgments obtained in such Suits; also, the number of Suits pending upon which Judgments have not been pronounced; also, the number of Suits, whether argued or not argued, still pending before the said Court.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Justice  
Bedard and Mr.  
Justice Aylwin.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly, dated the 29th January, 1849, praying that he would be pleased to cause to be laid before the House, copies of any correspondence that may have taken place between the Executive Government and the Honorable Mr. Justice Bedard, anterior and relative to his translation from the Bench of Judges at Quebec to that of Montreal, together with copies of his Commissions, as well to the former as to the latter; also, copies of any letters or correspondence between the Executive and the Honorable Mr. Justice Aylwin, relative to his appointment to the Bench at Quebec as successor to Mr. Justice Bedard; and copies of any correspondence (not of a confidential nature) between His Excellency and Her Majesty's Government in England relative to both or either of those appointments, and that may relate to the precedence claimed by Mr. Justice Bedard in the Court of Queen's Bench at Montreal over the Honorable Messieurs Justice Day and Smith.

Appendix (G. G.)

For the said Return, see Appendix (G. G.)

Ordered, That the said Return be printed for the use of the Members of this House.

On motion of the Honorable Mr. Boulton, seconded by Mr. Notman,

Private Bills.

Resolved, That the time for receiving Private Bills be extended until Thursday, the first of March next.

(80)

Message from  
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Townships  
Erection Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to confirm the Erection of certain Townships, and for other purposes relative to the Erection of Townships," without any Amendment.

And then he withdrew.

Oxford  
Election.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was yesterday proposed to be made to the Question, That this House having heard the evidence adduced on the part of John George Vansittart, Esquire, in defence of his conduct as Returning Officer for the County of Oxford at the last General Election, adheres to its Resolution of the 21st of March last, "That the said John George Vansittart, Esquire, having taken upon himself to return Peter Carroll, Esquire, as Member for the said County to serve in this present Parliament, contrary to the majority of votes received by him on the Poll Book in favor of the Honorable Francis Hincks, who ought therefore to have been returned, acted illegally, in defiance of a law, in manifest violation of the rights of the freeholders of the said County, and in breach of the Privileges of this House."

And which Amendment was That the words "but this House, at the same time, are of opinion that such illegal conduct on the part of John George



*Vansittart, Esquire, arose from an error of judgment," be added at the end thereof.*

*And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.*<sup>20</sup>

MR. J. A. MACDONALD (Kingston) said that he would only make a few remarks. When the motion was before the House last winter, he voted against it, because he was convinced of its injustice. It had been admitted on both sides of the House that Mr. Vansittart had not acted from corrupt motives. His judgment might be erroneous. His case had not been dealt fairly with. Collateral charges had been brought against him. Such as choosing Conservative Deputy Returning-Officers. He (Mr. V.) had frankly admitted this, and such was the custom of the country. All united in saying that they had no personal feelings against Mr. V., and had no desire to injure his family, by depriving him of the offices he held. The declaration recorded against him on the Journals of the House would remain forever--this, with the expense he had been already put to, was punishment sufficient. The Resolution passed last Session could not be rescinded. He concurred with the spirit of the amendment of the hon. and gallant Knight. He was sure that if the Resolution should be pressed further, the general opinion of the country would be, that it was punishing vindictively, and not for asserting the privileges of the House.<sup>21</sup>

MR. HOLMES was unwilling to give a silent vote on this question. Although he was unable to understand and appreciate the fine-spun theories and learned legal disquisitions of the hon. gentlemen opposite, he had listened attentively to the evidence adduced, and he should be guided by it on the vote he was about to give. He did not think the question was one on the vindictive punishment of Mr. Vansittart; they were called upon to decide whether in future the people of Canada should have the right to record at elections their opinions, or whether they should ... simply pass a vote of censure on Mr. Vansittart, discharge that gentleman from the bar, and encourage the same violence, the same fraud, the same deception, the same gross impropriety that had hitherto disgraced this country, and so frequently deprived the electors of their dearest and most cherished rights. (Hear! Hear!) Had Mr. V. been an ignorant man, he (Mr. Holmes) would have been ready and willing to discharge him, and throw the responsibility of his gross infringement of the privileges of the house upon his legal advisers; but Mr. V. had appeared at the bar and showed that he possessed too perfect a knowledge of his duty both as a citizen and as a Returning Officer to warrant them in allowing him to escape from the house with a simple reprimand, which, however it might be received in the house, would be received throughout the country with derision: it would be an encouragement to returning officers hereafter to act as Mr. V. had done, and lead to a determination on the part of both political parties to abide by the decision of the electors, but place the matter entirely in the hands of the administration of the day. (Hear, Hear!) Mr. Vansittart had made a strong appeal to the house not to disgrace his hitherto spotless name<sup>22</sup> and lineage.<sup>23</sup> But he should have reflected on that before committing the misdemeanor laid to his charge. The house could not deal more leniently with an offender because he could boast a high and ancient lineage, than with a plebeian. He (Mr. H.) entirely disclaimed anything like a vindictive feeling, but he should record a vote in favor of this resolution, under a firm conviction that unless they inflicted something like a decisive mark of approbation of the conduct of Mr. Vansittart, they would only be encouraging in Returning Officers hereafter

a perfect indifference to their duty, and a determination to frustrate the wishes of the people, and send into the house members whose views accorded with those of the party in power. (Hear! Hear!)<sup>24</sup>

MR. CHRISTIE said he would say a few words on this subject. He had heard Mr. V. with pleasure at the Bar. He had no feelings against Mr. V.-- He thought that he had committed an error in judgment. He thought that this House should consider itself a Court of Honor, and that the members on this occasion should consider themselves to be acting as Judges. It was bound to vindicate its own privileges, but it was also bound to respect the rights of subjects, from whom it held its authority. If they were afraid of the derision mentioned by the hon. member for Montreal, they must not, on that account, act like savages. And not because it had the power, abuse it and act the part of tyrants instead of representatives. The question before the House was, were they to punish Mr. V. for a crime when he had only committed an error of judgment? The qualification that had been put into Mr. V.'s hand was not the proper qualification by law required. To understand it properly they must go to the fountain-head, the Union Act, and see what it required. The qualification, in the Vansittart case, was dated in August, and the General Election in January, 1848. The Imperial Act required that the candidate himself should be present at Elections, and should make his declaration in the present tense.--The candidate not being there in person, was not carrying out the provisions of the Act. He asked if an indictment could have been found in a Court of Justice on the qualification? and whether it would not have been set aside as a piece of blank paper? The Imperial Act could not be set aside. He stated that any declaration must be dated subsequent to the writ. If being dated before was sufficient, it might be dated for all time to come. Mr. V. received the declaration, not that he was satisfied with it, but because he expected that another would be brought. Where Mr. V. erred was, that he ought to have rejected the qualification on the day of nomination. This was the first error--his second was still greater. After he had polled the votes for Mr. Hincks, he ought to have returned him, and let the House determine on the qualification. An hon. gentleman conducting this prosecution had shown some, he would not say spite, but certainly some asperity in this case. One Hon. gentleman, the Hon. Commissioner of Crown Lands, would punish Mr. V. because 99 out of 100 had committed errors of fraud. He had thought that the Hon. gentleman overflowed with none of the milk of human kindness. Another Hon. member, for Norfolk, did not wish to disgrace the man, but only to turn him out of his office. How much further would the Hon. gentlemen go? He (Mr. G.) had heard a story of a certain Chief Justice who was deprived of his office in the Island of Newfoundland. The hon. gentleman might have had some sympathy from the recollection of his own cases. He had been impeached and dismissed--he was aware unjustly. When he saw a gentleman of that kind, who, he believed, was of a benevolent disposition, taking the part he did, he could not help feeling some surprise. The case of Admiral Byng, who was put to death for having committed a crime of judgment, would for ever reflect disgrace on the Government which inflicted it. On Hon. gentleman has said that there was a degree of supercherie in his conduct; it was not the case, he had felt it his duty to make the return he did. Another hon. gentleman, the member for Middlesex, he, good man, is so much of a philosopher, that he can neither forget nor forgive; the hon. gentleman had stood up, night after night, and expressed, with eloquence, his vindictive feelings;



it would have been much more becoming had he acted otherwise. With regard to the proposition to go to the Governor, and address him to deprive Mr. V. of his offices, he could not think that the House could be guilty of such insanity. It, of course, only meant an Address of Members to themselves, to give them an excuse to turn Mr. V. out of his office. He could not think that there was one man in the House who would wish so to degrade the Governor. He had been already made ridiculous by being made to read his speech in French.<sup>25</sup>

Very loud cries of hear, hear, laughter, and "what had that to do with the question?" from MR. WATTS--Cries of order.<sup>26</sup>

MR. CHRISTIE said he would sit down till the hon. gentleman (Mr. Watts) had done.<sup>27</sup>

MR. MORIN the SPEAKER said he doubted if that allusion was in order.<sup>28</sup>

MR. CHRISTIE continued:--He said that he seen much feeling expressed. To go up with this Address to the Governor, was to make him commit a second piece of tom-foolery. In 1833 a certain Mr. Ryland took occasion to take a piece of India Rubber, and rubbed out passages from the Journals. The House went up to the Governor with an Address desiring him to dismiss Mr. R. from all the offices he held under Government. The Governor replied that the act was ungentlemanly, but that he could not interfere with a matter under their own jurisdiction.--(The hon. gentleman then read the Address and Reply to the effect what he had just stated.)--He thought that such would be the answer of the present Governor, if the present Address was persisted in. He believed that the present Governor had enough of the spirit of a Briton to return a similar answer. He would remind the House that enough has already been done, and hoped that the Speaker would call him to the Bar, and admonish him with his usual suavity. The Governor was made too much a tool of, and was becoming so, more and more. There was not a man who had a drop of proper blood in his veins that did not boil at the thought. He hoped that the amendment of his friend would be concurred in, and that the decision of the House would be prudent.<sup>29</sup>

MR. H. BOULTON deprecated personal allusions in a debate of this kind. Reference had been made more than once to his dismissal from the Chief Justiceship of Newfoundland, but that was not at all a case in point.<sup>30</sup> The hon. gentleman had done him the justice to say that he had been unjustly treated. He was glad that it had been brought up, as it gave him an opportunity to settle it for ever.<sup>31</sup> He (Mr. B.) had never known the reason for which he had been dismissed; but could Mr. V. say as much on his return to his friends and neighbors? He (Mr. B.) had been tried before the Privy Council on ten district charges, and honorably accounted upon all of them<sup>32</sup> and had been told not to go back to Newfoundland. He had again and again appealed to the Secretary of State, and had never been informed of the reason; the Under-Secretary, who was a personal friend, had told him that he was not at liberty to tell him.<sup>33</sup> His dismissal was therefore brought about for political reasons. He took this opportunity of saying that the time he spent in Newfoundland was the proudest part of his life, as he had been able to do more substantial good for that Island than perhaps any one man had ever done for any colony.<sup>34</sup> He had there introduced many useful reforms, and all of them remained to this day--When he visited Newfoundland, he was received with the respect of a Governor--150 ships manned their yards when he landed. There was a book containing the history of what he had done there.--<sup>35</sup>

Holding up a large book--a cry, read it.<sup>36</sup>

MR. H. BOULTON ((continued:)) His dismissal, as he had more than once said to the Secretary of State, was not a disgrace to himself, but to the Government which had not the manliness to tell him the reason for it.<sup>37</sup> Judge Bedard had been appointed because he entertained strong political views, and he (Mr. B.) believed that he had been dismissed for the same. There was no similarity between his case and the case of Mr. V.<sup>38</sup>

MR. WATTS could not understand what the conduct of the Governor in the case of Mr. Ryland, or of the Imperial Government in that of the hon. member for Norfolk, or of the Governor General in reading his speech in French, had to do with the subject before the House.<sup>39</sup> It had been the custom for the Speaker to translate it in French, except when the hon. and gallant Knight was Speaker, who was unable to do it.<sup>40</sup> He would come at once to the point.<sup>41</sup> He was of opinion that Mr. Vansittart, he would not say Mr. V., but the Returning-Officer for the County of Oxford had acted irregularly. It was also the opinion of all the Law members, except that of the hon. member for Middlesex, and he (Mr. W.) did not think that his opinion was worth much, as he was only an Act of Parliament Barrister<sup>42</sup> especially as it appeared by the Act that it was passed in order to save him the time necessary for the study of the law. (Laughter.)<sup>43</sup>

COL. PRINCE denied it.<sup>44</sup>

MR. WATTS said he would read.--(Cries, order, and read.)<sup>45</sup>

MR. MORIN the SPEAKER said that he was out of order.<sup>46</sup>

SIR A. MACNAB thought that as there had been so much personal allusion, the hon. member had better go on, to allow an opportunity of reply.--(Loud cries of read, read.)<sup>47</sup>

MR. WATTS commenced by selecting a portion, but on cries of read the whole, the whole Act, preamble and all, he did so. In the face of that Act of Parliament, when all the Law members had given a different opinion, he did not think his worth much. He confined himself to the defence made by Mr. Vansittart. He then, at some length, went over ground before gone over<sup>48</sup>. The defence of Mr. Vansittart was most unsatisfactory, first of all he expressed the regret he had felt at being made Returning Officer for Oxford, because it brought him into contact with a person who seemed to be the head of the department in which he was employed. Now Mr. Vansittart could have known nothing about that at that time. Next Mr. Vansittart had determined that Mr. Hincks was qualified to go to the poll. He must therefore have been qualified to be returned; but the show of hands being in Mr. Hincks' favor what did the Returning Officer do? Did he not studiously throw the whole weight of his authority on one side? Why did he not tell Mr. Brown that the qualification was bad, and so give time for a fresh qualification or for some other ... being thrown away. He had already appointed Deputy Returning Officers exclusively from one side, because he said he thought it his duty to return the Conservative candidate. At the conclusion of the poll he acted in direct opposition to the law; for the law declared that the candidate having been in the majority should be declared elected; while he returned the person having a minority. Mr. Vansittart said he had read books in order to form his opinion, and had taken legal advice. Why did he not point out the passages on which he founded his opinion? Why did he not produce some written question, which he



had put to his legal advisers? Had he shown that he had really sought the advice he (Mr. Watts) would have been the first to move not only for his discharge, but for the payment of his expenses. Mr. Vansittart said he knew the Conservatives would be in minority when the poll at Oxford began; but that was shown to be untrue from a comparison of dates. Mr. Vansittart's respectability was so much aggravation of his offence, for it ought to have made him more careful to act uprightly. It was all very well to look at this affair in a light manner because it had happened in distant Oxford, but suppose it should happen in Montreal, with a ... believed the man would be hanged on the spot. The House, if it relieved Mr. Vansittart from censure, would be responsible for such a man's death, if it happened, for they would have encouraged him.<sup>49</sup>

COL. PRINCE would not detain the House many minutes. It was not his intention again to enter into the merits of the case. He said that it was not by Act of Parliament that he had been made a lawyer, and that he knew the hon. member could not understand the preamble of an Act of Parliament. If wrong, those who had been admitted to practice by Act of Parliament had been complimented and bid welcome by the Attorney-General West. It was not necessary to enter into Mr. V.'s defence, as it had been done by both sides of the House. It was amusing to listen to the remarks of the hon. member for Drummond; but he was not worth replying to. He asked, some time ago, if the mountains of Vermont were white, and did not know that they were green.<sup>50</sup>

MR. H. SHERWOOD (Toronto) would record his vote free from party spirit, and regretted that so much asperity had been shown by the House on the subject. The occasion was such as should not have called forth party spirit. When the original proceedings were taken, he had spoken somewhat warmly; but because he believed that the House had departed from all rules, and pronounced Mr. V. guilty, without one tittle of evidence having been brought against him. He was refused to be allowed the privilege of Counsel. A case was brought before the House of Commons in England, in 1740<sup>51</sup>, in which a magistrate was brought up relative to the printing of the debate<sup>52</sup> when Counsel had been denied, and such a storm of indignation had been raised, in consequence, which had not been forgot to that day.<sup>53</sup> It was with similar feelings to those, which prevailed there that he had expressed himself strongly.<sup>54</sup> Mr. V. had been convicted, and the question was, what punishment should be awarded to him? The mover and seconder of the motion had both stated, that if it involved the charge of corruption, they would never have supported it.<sup>55</sup> He (Mr. Sherwood) believed and the hon. member, and hon. members generally on the other side, admitted that Mr. Vansittart had not acted corruptly, but<sup>56</sup> had made a grave error. The hon. Attorney-General for Upper Canada knew well, that before a man can be punished, he must have committed an offence. He was of opinion, that the declaration of having committed a breach against the privileges of the House was enough. If he had been guilty of corruption, he would say, punish him with all severity. For a mere error of judgment, he would not punish him with deprivation of office. Guilt springs from the mind of the agent, and did Mr. V. do this with a view of acting wrongfully?--all showed that his action sprung from an error of judgment. Mr. V. wrote to him when he was Attorney-General of Upper Canada, and in consequence of pressure of business, could not answer his letter. Another Returning Officer called on him about the same time, and asked him a similar question, with regard to the qualification of the Solicitor-General Blake. He had told him that he

did not think the qualification a good one. The next question asked was, what he should do? He told him, that though this was not a legal question, yet, as a friend, he would advise him, to return him if he had the majority of votes, and leave the question of qualification to be decided by the House. Had he had time, he would have written to Mr. V. to a similar effect. Mr. V. had made enquiries of other lawyers and had received other advice, and he did not say, not better; also to one of the Crown Officers.<sup>57</sup> But it was clear that he had acted in good faith, just as a man, tried for malicious provocation, secured an acquittal when he proved that he had taken proper advice to ascertain if he had good ground for instituting it.<sup>58</sup> In law, if a man take legal advice, and act illegally, it will be received in his defence; and the same excuse is applicable here. Hon. gentlemen have asserted, that he ought to have gone for advice, to somebody of the other party, or to those who were of no party. The former was not usual, and he doubted whether the latter would have been easily found. He went to the Hon. Mr. Cameron, a Law Officer of the Crown, and followed his advice, and the House decided it is wrong; and, surely, the man who got, and acted on the advice of a Law Officer of the Crown, could not be treated as a criminal. Say his conduct is wrong, and that it cannot be passed over, and having put so strong a declaration on the journals, will operate as strongly as depriving him of his office and reducing him to the condition of a laborer. If any member entertains any doubt, he ought to let it go in favor of Mr. V.<sup>59</sup>

MR. MCCONNELL, at the late stage of the debate, would only say a few words. He would vote for the amendment. He thought that the greater part of the speeches that had been made and especially those of legal gentlemen were better fitted for a petty jury than for the High Court of Parliament. In answer to remarks made by an hon. gentleman opposite ... he said he was bound to call him--Mr. Richards--in Parliamentary language, an hon. gentleman<sup>60</sup>, one hon. member had stated that some member on the other side, had said that he had often voted against his conscience to serve his party. He (Mr. McConnell) fancied the hon. member alluded to himself and went over to ask him. The hon. gentleman said he did allude to him (Mr. McConnell) and it was necessary now to state that the remark was simply untrue. He regretted that a person acting as a judge and addressing his fellow judges should have dragged in an untruth to sustain his opinion.<sup>61</sup>

MR. LYON declared his opinion that Mr. Vansittart had acted improperly and justly to merit the declaration in the resolution. The great delay in this matter had been caused by the friends of Mr. Vansittart, who declared that opportunity to make speeches for their advantage at the next election. He was opposed, however,<sup>62</sup> to any Resolution that would put the Governor General in a false position, and was opposed<sup>63</sup> to the course of punishment which it was proposed to follow, inasmuch as he thought the House ought to punish him themselves to the extent they thought proper, and not throw that duty on others.<sup>64</sup> He would support some other method of punishment that hon. gentlemen might propose.<sup>65</sup>

MR. CARTIER declared his conviction that Mr. Vansittart had acted in a manner entirely illegal. The opinion he supported by reference to the Act of Parliament, and the explanation of the words according to the manner in which he read them. He then went on to consider the question, whether Mr. Vansittart had acted with good faith. On that hand, he believed there should be no difficulty in deciding that the Provincial Acts afforded ample information for any Returning Officer, who desired to behave with propriety.



On speaking on this head, he alluded especially to the declaration that Mr. Carroll had the greatest number of legal votes. Now, it was perfectly evident that the Returning Officer had no right whatever to decide upon the legality or illegality of any vote whatever. All he had to do was to determine on the majority. He believed that Mr. Vansittart had very much aggravated his offence by his defence. He had brought down no evidence to clear himself, but had merely attempted to incriminate Mr. Brown. He had thus shown that his object was not only calumny, but atrocious calumny. When Mr. Vansittart, last session, was asked whether he had said he sould (sic) leave the decision of the qualification to the House, his own answer was "I believe not." He sheltered himself behind his belief; yet, now at a much greater distance of time, he brought a witness to speak positively about it. To that witness he would remark that the little book he had produced made his evidence less credible instead of more. Mr. Brown had published facts which must have been known to many persons in the manner in which he believed to be true. Why did not Col. Whitehead produce his book then, and contradict what was false instead of keeping it for so great a length of time? The other witness, Col. Deedes, when asked whether when Mr. Vansittart answered a certain question in the negative, he had intended to say that he had not told Mr. Brown that he had not consulted Mr. Cameron, and that he had not asked Mr. Cameron, replied that the answer denied the fact of his having made the denial with reference to the statement that he had spoken Mr. Brown. Now how could Col. Deedes tell whether the denial by a simple negative applied to one thing or another. It seemed more natural to suppose that it related to the important, rather than to the unimportant question. It was said that Mr. Brown acted on the occasion as a partizan. For his own part, he believed that Mr. Brown was bound to act as a partizan. He was at the election as an agent for a candidate, and it was his duty to act as partizan.<sup>66</sup>

MR. AT. GEN. BALDWIN did not intend to occupy much of the time of the House; he had not intended to have spoken upon the question before the House, but that he considered<sup>67</sup> he should not be discharging his duty to his country or his constituents were he to remain entirely silent on the occasion. The question was, in his opinion, one of the very greatest importance. The course taken<sup>68</sup> by the Returning Officer<sup>69</sup> at the last election for the County of Oxford was one in which not only this House, but every one of the constituents of every hon. member in it, were deeply interested; it was one involving the consideration how far it is or is it not in the power of Returning Officers to nullify every object for which they are appointed;-- whether the power of nominating the members of the House was to rest with the Returning Officers<sup>70</sup> and whether a Returning Officer could return a person who was in a minority as a person in whose favor the voice of a constituency had fallen.<sup>71</sup> What was the object for which this House was returned as the representatives of the duly qualified electors of United Canada? What was the object of holding elections at all? Was it not that the free unbiased voice of the people should be collected within these walls, and public opinion thus concentrated within them? (Cheers.) Does it not lie at the very foundation of the existence of this House. (Hear, hear.) What was the Returning Officer called upon to perform? He was merely the agent, the machine for giving effect to this principle of the Constitution. If, then, a Returning Officer could, through a mere technical difficulty in the discharge of his duty, interfere between the voice of the people and this House, and thereby between the people and their Sovereign, another Returning Officer, aye, every Returning Officer might do the same thing,

and, as had been more than once the case, by the large majority of voices of the very electors whom they pretended to be called there to represent. If such conduct as this was permitted, the effect would be to sap the very foundation of all confidence in this House, and render nugatory that elective franchise which it is the birth right of the people to enjoy, and their birthright to give effect to through the Representatives whom they might send to this House. (Cheers.) He could point to instances in the history of the last few years, in which the tone of the general Representatives of the people of the Province had been affected by the improper conduct of Returning Officers who had not discharged their important duties with that strict impartiality which they were sworn to execute them with, and which it was treason to the people to perform in any other manner. (Cheers.) He conceived that it was of the utmost importance that the House should shew, by the treatment of this case, that it does not stand lightly by the privileges of the people, or by its own privileges, which belong to it for the benefit of the people. (Hear, hear.) He thought that this was a matter of great importance not only on account of the two considerations to which he had referred, but that it was ... with a view to the future conduct of all future Returning Officers. If they were desirous that these important officers should perform their duty with that strict impartiality with which the law called upon them to perform it, so to give confidence to the people in their representative chamber, which should be composed of those whom they returned upon the Queen's writ, then it was most important that when an occasion like the present arose, a clear case in which it was admitted even by the gentlemen on the opposite side that the privileges of the House and the rights of the electors had been outraged, it was proper that they should deal out equal justice between the public at large and the Returning Officer at the Bar. He said to deal out equal justice, for he wished to approach this subject as far as it was possible for a person engaged in the political contests of the day so to do, entirely free from all party bias; he agreed in the remarks of those hon. gentlemen who had deprecated the introduction into this discussion of any personal or political feeling. He (Mr. Baldwin) had no such feelings, but he was deeply anxious that the privileges of the people of this country should not be sacrificed, as they would be, if the House encouraged in Returning Officers such conduct as he should presently be able to show the person at the Bar had been guilty of in his dealing in this matter. If ever there was an occasion on which the House was called on to act without reference to those considerations of pity and commiseration which had been urged by gentlemen on the opposite side, the present was one. (Hear, hear.) The gentleman at the Bar had shown by his address a demeanour that he<sup>72</sup> was not a poor, ignorant person, he had shown himself to be a man of talent, a man of education, and could not, therefore, excuse his conduct on the occasion by ascribing it to the ignorance<sup>73</sup> of the duties he was called upon to perform<sup>74</sup> or want of mind which a more ignorant man might have pleaded; he said, therefore, if they found that he had not done his duty, if they found that his conduct deserved punishment, there never could be a stronger case than the one before them.<sup>75</sup> The country therefore had a right to expect that the House should exercise its rights in punishing him. It was said by hon. gentlemen opposite that they sought to punish Mr. Vansittart because other Returning Officers in other times and circumstances, who had not performed their duty, had gone unpunished. Surely the hon. members who, misled by prejudice in favour of Mr. Vansittart, have felt that they were attempting to impose a fallacy on the House; he would not punish Mr. Vansittart for the offences of others, but unquestionably, if Mr.



Vansittart had been guilty of doing that which should justly call down on him the censure of the House, and subject him to such punishment as the House could constitutionally inflict, he (Mr. R.) did not hesitate to say that the constant recurrence of offences similar to this was a reason for the House to inflict such punishment as it was in their power to do. Would the hon. gentlemen apply their reasoning to other crimes and say that the increase of that crime was not a reason for the more stringent enforcement of the law regarding it? If not, why should they apply an argument to this offence which they could not apply to another? If the House should come to the conclusion that Mr. Vansittart had really been guilty of the offence charged against him, then every conclusion called upon them to make an example of him.<sup>76</sup>

Hear, hear, from SIR A. MACNAB.<sup>77</sup>

MR. AT. GEN. BALDWIN ((continued:)) The hon. and gallant Knight from Hamilton cheered him, but he must have felt in this debate that leading as he did the phalanxes of the opposition, he had a very weak case to defend when he commenced his speech, not with any arguments on the merits of the question before the House, but by making a personal attack on the hon. member for Norfolk. (Hear, hear.) The hon. and gallant Knight had also attacked others members on his (Mr. H.'s) side of the House; he had attacked the hon. member for Middlesex (Mr. Notman) for an expression he made use of in opening the debate, speaking of the attempts that had been made to rob the electors of Canada of their rights, he had said that such conduct against the country of his adoption he could never forget, and never forgive. The hon. and gallant Knight had attempted to give a personal meaning to those expressions; but had he known the hon. member for Middlesex from boyhood, as he (Mr. Baldwin) had done, he would have known that there was not a kinder hearted man in the House. (Cheers.) His hon. friend from Oxford (Mr. Hincks) had also been assailed as being actuated by vindictive feelings in the course he pursued in this matter; he (Mr. B) had known that gentleman for many years, and he would say that there was not a man on the opposite side, or in the whole House, so free from vindictive feelings as his hon. friend, the member for Oxford, (cheers,) but the gentlemen on the opposite side felt the weakness of their cause and they therefore endeavoured by their personal attacks to draw off the attention of the House from the real question before it (hear, hear.) Having said so much with regard to the course taken by hon. gentlemen on the other side, he would next come to the question before the House. In the first instance, so far as regards the illegality of Mr. Vansittart's proceedings, as that was fully admitted with the exception perhaps of one or two hon. members on the other side of the House, he would not discuss that part of the question; but he would say, that at the moment when Mr. Vansittart put the question to the electors, whether they chose Mr. Hincks or Mr. Carroll for their representative, he had completely decided the question of the qualification. For it must be evident, that he could not have put before the electors the name of a gentleman who was not qualified. The question was not whether the electors would choose one who was qualified or unqualified, but whether they would choose as their representative A or B, both being supposed to be qualified. That showed clearly that Mr. Vansittart had decided the question, and he had nothing left to do but return the party who received the greatest number of votes. Mr. Vansittart had stated at the Bar, that he had had some doubts on his mind, as to the

exact position which he occupied as a Returning Officer<sup>78</sup> but whether he considered he was bound to act in a judicial or a ministerial capacity, and he answered that he believed he was a judicial officer, and that he was called upon to act as a judge<sup>79</sup>. But he was right in that decision, and the oath taken by him as a Returning Officer, was sufficient of itself to convince him that that was the case. That oath was, that he would perform his duty faithfully and impartially in conducting the election. Well, he would call on that House to remark in what manner this gentleman in his judicial capacity acted. He would take his own evidence<sup>80</sup> and the documents before the House<sup>81</sup> for he was not disposed to refer to the evidence of the other parties to strengthen the conclusion he had arrived at. Mr. Vansittart swore to perform his duties faithfully and impartially, and yet what was the very first thing drawn from him at the Bar--that he considered that it was the prerogative of the government of the day, to appoint men in whom they had confidence, to the situations of Returning and Deputy Returning Officers, and who would carry out the instructions sent to them by the government. This was the declaration made by a judge, one who was appointed to perform his duty faithfully and impartially. The first impression in his mind appeared to be, that he should at once choose sides--that was the key to the whole of his conduct. At one moment he expressed his opinion that he was obliged to act in the capacity, and in the next declared that it was a part of his duty as judge to act under the instructions of one particular party. That was the mistake made by Mr. Vansittart, and he would say that it was a criminal mistake.<sup>82</sup>

SIR A. MACNAB.--Cheers.<sup>83</sup>

MR. AT. GEN. BALDWIN.--Since the hon. and gallant Knight had cheered him, he would like to know, what he would say, if in a disputed case between them, the judge, who was to decide, should act under his instructions. He would ask that hon. gentleman, he would ask any hon. member on either side of the House, if that was the spirit in which Mr. Vansittart<sup>84</sup> holding a judicial office, should be actuated by<sup>85</sup>. For his part, he had not the slightest doubt, that it was under this impression that he had acted, allowing himself to be carried away by the instructions he had received from the party who appointed him.<sup>86</sup> Nothing could be ... plainer.<sup>87</sup> Without referring to any of those considerations, which should have guided every man of honor, in a similar case, his oath as a judge ought alone to have taught him to act in a different manner. But to proceed a little further, this same Returning Officer, who, according to his own account, was acting as a judge, actually appointed as Deputy Returning Officers, acting under him, men who he knew, were disposed to carry out the instructions of the Government, regardless of the rights and privileges of the people; but true to the party that appointed him, he appointed to act under him, not merely political partizans but he absolutely selected an individual who had been a candidate for the representation of the county, but had withdrawn in favour of Mr. Hincks' opponent (hear, hear.) He would ask hon. members if that was the conduct they ought to have expected from a judge appointed to act impartially between the two parties, and acting in the character of a judge.<sup>88</sup> He (Mr. B.) put it to the House, whether a gentleman acting so should be believed innocent, when he had so outraged the principles upon which he should have acted?<sup>89</sup> But that was not the only criminal conduct of that judge! When a difficulty arose, who did he go to? Did he go to any impartial member of the legal profession? An hon. member on the other side had said



that it was impossible to find an impartial person. He knew that a few years ago, there was a class of persons called moderates, of whom he had no very satisfactory reminiscences, and although it might be a hard matter at the present day, to find a person with no political opinions, still he would maintain that there was a great difference between applying for advice to a party engaged in a political contest, and one who kept himself aloof from it. Could it be asserted that Mr. Vansittart had applied for advice to any of the opposite party. What would be said of a Judge of Nisi Prius, or any other court, who would consult with the counsel of one party alone, ((going)) into a room with the counsel of one party, to the exclusion of the other, for the purpose of consultation? But Mr. Vansittart acted even still more grossly than that; he had gone not merely to the counsel of one parties, but in going to the late Solicitor General, or Attorney General, for advice, had gone to the party itself, both being at the moment embarked in a preat (sic) political contest. He did not mean to imply that either of those learned gentlemen would have given a perverted decision in order to suit their own interests, but he would say that they should not have been required to give an opinion in a case of this kind, more especially as it was one which they would shortly after have to decide upon in the capacity of Judges in that House. It was one of those peculiar cases in which great delicacy should have been manifested by Mr. Vansittart, and which, in his (Mr. B.'s) opinion, would have made any reference to the Crown Officers extremely improper. Were there no professional men, then, to whom Mr. Vansittart could have applied in this emergency, who were not engaged in the contest of the day? So far from that being the case, it appeared from his own evidence, that he had actually applied to two professional gentlemen, Messrs. Hall and Hughes, who, although, no doubt, possessing political feelings, yet had taken no active part in the contest--their politics were unknown to him, very probably they were of the same cast as those of the honorable gentlemen of the other side, and, so far as he knew, the advice they gave Mr. Vansittart was a perfect mystery to every one in the House. Honorable gentlemen on the other side had, however, supported the course pursued by him, and asked, with apparent surprise, who he should apply to for advice except to the Crown Officers? He would, in reply, ask those honorable gentlemen, if a Judge of the lowest Court in the Province had acted in a similar manner, would they not at once have denounced him as a disgrace to the Bench upon which he sat? He would ask them, also how it would be possible for any impartial man to view the professions of Mr. Vansittart to do justice to any thing else than a mockery when compared to the actual circumstances; and he could see nothing to relieve him from the charge of having acted corruptly. It was the natural conclusion to which he was led by the whole train of circumstances. But viewing the subject in another light, he (Mr. B.) was not prepared to admit that the mere fact of his taking advice should have shielded him, if, in following out that advice, he had acted corruptly. There is such a thing as taking advice after a person's mind is made up. He did not mean to assert that this was the case in the present instance; for it is a very nice question to decide whether a party, in taking legal advice, is merely following up his own predetermined opinion or not; but he merely made the remark in order to observe, as he said before, that he was not prepared to allow the Returning Officer to throw off all responsibility, by his merely proving that he had taken legal advice, and thus open the door to offences of a similar nature in future. But what did Mr. Vansittart himself say with

regard to this legal advice taken by him? It did not appear from any statement made by him that he had taken the advice according to the legal form. He did not prove that he had laid a written case before any of the professional gentlemen whom he said he consulted, nor obtained their written opinion. He even avoided the use of the term advice, which is the regular term, and stated that he had obtained the opinion of Mr. Cameron in a loose conversational form. That, in his opinion, was far from satisfactory. Who, he would ask, was ever satisfied before with a legal opinion conveyed in such a form? If he had really placed any dependence on the advice he thus sought, why did he not obtain a written opinion, which he could have put in ... his defence at the bar? Or if he had obtained no written opinion, why did he not bring Messrs. Hall and Hughes down to the bar to show that the advice was that they had given him, and to show whether he had acted on it?--for, as his hon. friend the Solicitor General West had well put it, it was impossible for any person to say what that advice was. They did not know to what political opinion those parties belonged, for they had taken no part in the late political contest; and yet, without knowing anything at all about them, they were required to take it for granted that Mr. Vansittart had exactly followed their advice. He must say, for himself, that he was not prepared to adopt this position. It was just as likely that they had given advice of a nature directly contrary, and for that reason the gentleman at the Bar very possibly did not wish to produce it.<sup>90</sup>

MR. H. SHERWOOD (Toronto) said that Mr. Vansittart had stated, in his defence, that the whole of these gentlemen had coincided in opinion.<sup>91</sup>

MR. AT. GEN. BALDWIN continued--There was no evidence brought forward to that effect; and when that was the case was it reasonable to expect that he and the House were prepared to assume that Messrs. Hall and Hughes had advised the gentleman at the bar, to pursue the course which he had taken. In fact, in justice to these gentlemen, he would rather be inclined to believe that they had not advised a course which so large a majority of that House had declared to be contrary to law. But turning again to the defence of this impartial judge, what was the nature of the plan put in by him with respect to the second qualification? According to his statement, he was actuated by a strong desire, in short, he felt exceedingly anxious to afford Mr. Hincks an opportunity of sending up a qualification, which would be valid in point of law. How consistent with such a feeling was his conduct when the second qualification was presented to him? He absolutely refused to receive it! And yet, although he manifested such utter indifference to the qualification, when a reference was made to the qualification of one of the opposing candidates, Mr. Carroll's he believed, in consequence of a flaw which Mr. Hincks' agent asserted he had discovered, he showed the most lively interest, and being checked by Mr. Brown, who told him that was none of his business, he attempted to gloss it over by asserting that his interference was mainly actuated by a desire to do justice to all parties. Was that the motive which influenced him, when pressed to receive Mr. Hincks' qualification on the day it was presented. What reply did he give Mr. Brown's question? Why, he gave an equivocal answer, which left him, and the whole of the electors of the county, in a state of uncertainty. It was easy to see the reason for his doing so. If he had been determined to act fairly and impartially to all parties he would at once have given a decided answer. How easy it would have been to let the electors know at once the course he intended to pursue? But no, that did not suit him! He left them in a state of uncertainty, until the



day when he had to make a declaration as to who was elected, and then quietly informed them that all the votes given in favor of his honorable friend were thrown away! The honorable member then called the attention of the House to the answers given by Mr. Vansittart, when at the bar, to the questions put to him, arguing that from his admission of the fact, that he had sent the Poll Books to his deputy, ruled in three columns ((which)) recognised Mr. Hincks as a candidate, as it must be perfectly clear to every one, that if Mr. Hincks had not been a candidate, there would have been no necessity for ruling the poll books in three columns. That argument was further strengthened in his opinion, by Mr. Vansittart's admission, that he had not sent any instructions to his deputies, not to recognise him as a candidate. And further, in reply to a question put to him, as to whether he knew that the name of Mr. Hincks stood at the head of any of the poll books, he replied he did not, as he did not consider it to be a matter of importance. What! would any person present,--would any man with a head on his shoulders, tell him that it was a matter of no importance to the electors of Oxford to know whether the name of his honorable friend was on the lists as a candidate? Certainly, it was a reply which he should never have expected to receive, and was in his opinion, only another proof of Mr. Vansittart's desire to take such a course as would finally enable him to act in any manner he pleased. He conceived right that he was in the position of a judge; he possessed an anxious desire to act fairly towards both parties, but almost every one of his acts showed a strong partiality for the side by which he was associated. His mode of dealing with the alien votes was but another proof of that. The upright judge--the man who carried on whispering conversations with people of one party, refused, although repeatedly urged to do so by Mr. Brown, to communicate to his deputies the fact of a proclamation<sup>92</sup> in the Gazette<sup>93</sup> having been recently issued respecting these alien votes, from a very commendable desire to leave the electors of Oxford in ignorance respecting the laws of the land. That was an established fact, and he would ask honorable members if they did not consider any defence a mockery, after such gross misconduct. (Hear!) He, for one, could not rest without enforcing on them the necessity of punishing in the most rigorous manner an individual who had so openly and directly broken the trust committed to him. He would not any longer take up the time of the House with remarks upon the evidence given by Mr. Vansittart. What he had already said on that subject he thought would be quite sufficient to convince any person who had not allowed himself to be misled, that Mr. Vansittart had not acted in such a manner as to merit the trust confided to him, but had violated the privileges of the House and infringed on the rights of the people. He would therefore address himself to another part of the subject.<sup>94</sup> The honorable member then proceeded to speak of the course which had been pursued by the House against Mr. Vansittart, and said that he had looked into the authorities, and that he found precedents both for the course which had been pursued, and for the one contended for by the members opposite; that the passing of the first Resolutions was a mere matter of form, and that Mr. Vansittart had been heard before that he was condemned, and if they had adopted the amendment proposed by the member for Hamilton last Session, it would have nullified their whole proceedings.<sup>95</sup> Now, at that time, there had been no resolution condemnatory of Mr. Vansittart; yet the honorable member for Hamilton moved in amendment to the resolution proposed last session, that all the words after "that" be struck out, and the following words added:--"A copy of any resolutions which may be adopted relative to the Returning Officer for the County of Oxford be communicated to him, and that he should be heard

against them." That presupposed the adoption of the resolutions which he said were to be carried<sup>96</sup> but there were none.<sup>97</sup> It had been thought by some gentlemen that the House should deal with this case according to their own authority; but there was a man who had offended against the people of the Province as Mr. Vansittart had done--he ought to be punished in such a way as would serve for an example for the future. The hon. member for Hamilton said this was the last Returning Officer who could be placed in such a position as this. The hon. member could not have read the bill; for had he done so he would have found that the Returning Officers were for the future to be ex-officio. It was of the greatest consequence that these persons should have this example set before them, and nothing could be more salutary than for the House to punish the Returning Officer, as he deserved. Let him not be imprisoned for a few days to be afterwards treated to a dinner; but in such a way as will be felt. The hon. member here cited an example in England in the last century, in which the Sheriff of Dundee<sup>98</sup> was punished in a manner similar to that now proposed.<sup>99</sup> The House Commons (sic) having declared that person guilty of having acted improperly as Returning Officer:--Resolved,--"That an Address be presented to His Majesty, praying him to remove the person from the office of Receiver-General of the Land Revenue for the County which he then held."<sup>100</sup> He thought the Returning Officer, by his conduct from the first, had, at every step, aggravated his original fault.<sup>101</sup>

MR. BADGLEY fully agreed with the introductory remark of the last speaker, as to the importance of the principle involved in the question then before the House. They were bound to consider and preserve from attack the rights of the people, as well as those of the House--in their jealous retention of the latter, they must, yet more, protect the former. This was a question of past precedents, of what occurred a hundred years ago, nor yet were they to be swayed altogether by the warning to be derived in future matters of a like nature; all these considerations should be set aside, and the House ought to treat the subject on its intrinsic bearing on the present--to view it as it stands, as naked truth, before the House; and here he was struck by the illegality of the principle sought to be here established. They were not there to prove a crime, in the present instance--no crime had been brought home to Mr. Vansittart--but a mere contravention of an Act, as far as exhibited in Mr. V.'s not having returned the candidate having the majority of votes, on account of his (Mr. V.) not being satisfied as to the qualification tendered. He had been charged with a breach of the privileges of that House, and was brought to the Bar. What course was adopted, then? His statement was heard, without the privilege of being defended by Counsel. Honorable members had, by this time, become intimate with the evidence laid before them; and what was the result of their perusal?--but that a willing eager witness had been brought forward (Mr. Brown) after Mr. V.'s defence. Did Mr. V. ask to clear himself of the charge made against him, or assert that he had acted with strict propriety? He asked merely to have the opportunity of contradicting the testimony of Mr. Brown, without attempting to say that he (Mr. V.) had not unfairly invaded the privileges of that House. The hon. member for Middlesex had said that the granting this request was an act of mercy. This he (Mr. B.) denied. It was Mr. V.'s undoubted right to be allowed to confute the ex parte interested evidence of Mr. Brown. It was certain that that individual's evidence was very much at variance with that of Messrs. Deeds and Whitehead. Mr. V. was merely charged with having an



interview with Col. Whitehead, an accusation which, whatever it was worth, could not be disproved by Mr. V., from its being word-of-mouth matter between the parties; but the main facts stated by Mr. Brown were entirely disproved by the deposition of Mr. V.'s witnesses. But, setting aside the question of the discrepancies in the evidence, he stated boldly, that nothing therein contained showed anything culpable or corrupt. In a matter of this kind the question of refutation demanded the display of something like Christian feeling. (So we understood him.) He certainly did not object to the vindication of the rights and privileges of the House, but was the point ultimately involved in the judgment? The decisions of that House had before then been changed; the proceedings of a majority was (sic) not always strict; no authority or tribunal there, or elsewhere, was infallible; it might be impugned by public opinion, and he should, therefore, be sorry to see Mr. V. made a political martyr. A decision having such an effect, would lead this country to believe that the Ministry had treated the question as they would any ordinary Ministerial one. The whole matter had begun and continued in error, and was supported by the erroneous judgment of a majority. Assuming, as he did, that there existed no corruption nor crime, he could not sanction such a punishment as was contemplated by the Resolution. Even when the existence of crime was certain, it was not always necessary to resort to severe penalties; but they must have clear proof of the charge; this was the undoubted principle of every Legislature, and of every Court; and would they, in an Assembly boasting of British connection, strain, to the ultimate, their efforts to crush an individual? No, the time is past for endeavouring to afflict one person on account of the faults of numerous others of a former date, the punishment of whose offences rested with an all seeing God, who "visited the sins of the fallen upon the children to the third and fourth generation." If Mr. V. had clearly been guilty, let the punishment follow. This was not alone a question of the present day, but it would be on record to amaze those of future times, that he (Mr. V.) had been punished for the faults of other people.<sup>102</sup>

MR. RICHARDS, in answer to what had been said by Mr. McConnell, stated, that on an election committee the latter gentleman had expressed his satisfaction at being able to vote according to his conscience, as he had on a former occasion, been compelled to vote contrary to it by the lawyers who were on the committee.<sup>103</sup>

MR. CAYLEY (amid loud cries of question)<sup>104</sup>, in the absence of Mr. McConnell, would state that he had heard a totally different version of the story.<sup>105</sup>

MR. STEVENSON also made some remarks ... ((There were)) continued cries of "question"<sup>106</sup>. He had heard the conversation alluded to: Mr. McConnell had not said that he voted contrary to his conscience; but contrary to the opinion he had previously formed, when he found that opinion was contrary to law.<sup>107</sup>

SIR A. MACNAB rose and said, that he would not again have addressed the House, had not the Attorney-General West made remarks referring to himself and his observations about the hon. member for Norfolk. He (Sir A. MacNab) did not regret what he had said--he certainly did not wish to hurt the feelings of that, or any other hon. member--but he would remind that Hon. member of the course pursued towards him in the Upper Canada

Assembly, and hoped he would take a lesson therefrom as to his conduct in this case. That Hon. member had been summoned before an Election Committee, and he demanded whether he was considered to appear on the ground of compulsion or civility. The result of the proceedings in that case was his being declared guilty of a breach of the privileges of the House, but it was then considered sufficient his (the Hon. member for Norfolk) being placed at the Bar to receive the reprimand of the House. How different is the case of Mr. V. Hon. gentlemen opposite expressed their extreme tenacity of the privileges of this House, but those of the people were of a larger and more important character; and of them the House was the depository. He would not say that Mr. V. was right in what he did, but he was against their prosecuting him for a breach of their privilege and here read the original motion, he went on to ask them to imagine the effect of a similar scene before the Imperial Legislature. Fancy Mr. V. brought to the Bar, the charges brought against him, but no opportunity of arranging his defence, but the empty mockery gone through, of asking him what he had to say in exculpation? What could he say when staring him in the face he saw the opposition already prepared? The course decided to be adopted should have been made known to him previously, and he should have been allowed the assistance of Counsel if desired. He then referred to authorities showing the English principle, and that, too, under a Whig Government, and he would ask was 24 hours too much to allow him, Mr. V., time to make his defence. The Ministry had by their proceedings in this case violated the provisions of the Grenville Act. He alluded to the strong language used by a member of the House of Commons (Col. Barry) in 1771, on the occasion of two Magistrates being arraigned at the Bar of that House, and who were refused the proper means of defence.<sup>108</sup> The Colonel condemned it in a most eloquent manner, and left the House followed by all the Whig members rather than see it carried.<sup>109</sup> He (Col. Barry) said, "that the more arbitrary conduct of that House in such a case would tend to multiply them; that he would leave those walls, &c.,--they were unholy, a Pandemonium, &c." He (Sir A. MacNab) knew that such language here would be held un-Parliamentary, and he would not resort to it, but he would repeat his condemnation of the unjust course adopted respecting Mr. V. Hon. members on the other side had said, heresay evidence ought to be taken; if so, he would refer the Hon Attorney-General West to the Journals--respecting his own case, when a Petition was presented from numerous electors of Hastings, (referring for that purpose) and the allegations about the violent rioting, &c., on the occasion of the election there-- a case in which as much and more might have been drawn out by hearsay evidence as in this<sup>110</sup> ((and the)) hon. member ... convicted of violence and all sorts of corruption. The hon. member for Drummond, too, now so staunch an advocate of popular rights<sup>111</sup> had congratulated Lower Canada on the subject of the elections in that part of the Province. He (Sir A. Macnab) would remind him of elections in Lower Canada<sup>112</sup> when, in the year 1841, the people of Lower Canada had complained not merely of violence but of murder<sup>113</sup> and to thoroughly investigate which, every effort was made in Lord Sydenham's time--efforts, however, unassisted by the hon. member. How changed were the feelings of the Hon. member now that he was in the majority; although the question of murder was then involved, he did not then see the necessity for a scrutiny. Sir A. MacNab was about to proceed<sup>114</sup>.

MR. WATTS asked, why the gallant Knight dealt in generalities, and did not go into more detail.<sup>115</sup>



SIR A. MACNAB proceeded to refer to the cases.<sup>116</sup>

MR. WATTS--What cases? Where was murder then.<sup>117</sup>

SIR A. MACNAB, after one or two more interruptions, went on:--Much had been said about personalities; things that he did not indulge in; one, for instance, that he did not, when Speaker of that House, know the French language. If such remarks were made, he must be allowed to answer them. After some observations on this head, he proceeded to say, that Mr. Hincks' qualification would have been objected to by 99 out of a 100 Returning-Officers<sup>118</sup>, who would naturally apply to the Law Officers of the Crown. Much had been said about his (Mr. V.'s) taking the opinion of Mr. J. H. Cameron, a very able lawyer by the way. Mr. V. had also consulted other able lawyers. Mr. V. did well in keeping open a matter like Mr. Hincks' qualification, one that naturally puzzled him, (Mr. V.) this House, or the cutest Philadelphia lawyer in deciding upon. He would ask the Attorney-General West, if he did not, at the Lincoln Election, give an opinion to the present hon. member for Lincoln, similar to that given by Mr. V. at the Oxford Election?<sup>119</sup>

MR. AT. GEN. BALDWIN said he might have done so; he did not remember exactly the fact.<sup>120</sup>

SIR A. MACNAB did not think that Mr. V.'s conduct was bad or corrupt, and he (Sir A. MacNab) had a right to see that he was not unjustly conducted by hon. members, who had acted as Judges and Advocates; he (Sir A. MacNab) would not have him ruined, and thus set a bad example for Upper Canada. They, in Upper Canada would think with him, that already a great deal of time had been wasted on this matter, which had cost the country, up to the present moment, from £5000 to £6000--(Hear, hear.) Upper Canadians would not imagine that that House had obliged them by punishing Mr. V.; he hoped the House would treat Mr. V. as they ought. The question had been asked, why had Mr. V. brought forward more witnesses? It was because the House had refused the Commission to Mr. Murney.

((There were)) a few more words from Sir A. MacNab.<sup>121</sup>

MR. AT. GEN. BALDWIN read from the Journals of the Upper Canada Parliament to shew that that the position against his election for Hastings, had been declared frivolous and vexatious.<sup>122</sup>

((There was)) a remark or two from MR. J. SCOTT (Bytown).<sup>123</sup>

(80)

*And the Question being put; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Gugy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(18.)*

NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron, of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Dickson, Dumas, Fergusson, Flint, Fortier, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Lyon,*

Marquis, M'Farland, Merritt, Méthot, Morrison, Nelson, Notman, Papineau, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, Wetenhall, and Wilson.--(52)

So it passed in the Negative.

And the Question being again proposed, That this House having heard the evidence adduced on the part of John George Vansittart, Esquire, in defence of his conduct as Returning Officer for the County of Oxford at the last General Election, adheres to its Resolution of the 21st March last, "That the said John George Vansittart, Esquire, having taken upon himself to return Peter Carroll, Esquire, as Member for the said County to serve in this present Parliament, contrary to the majority of votes received by him on the Poll Book in favor of the Honorable Francis Hincks, who ought therefore to have been returned, acted illegally, in defiance of law, in manifest violation of the rights of the freeholders of the said County, and in breach of the privileges of this House."

Mr. Wilson moved in amendment to the Question, seconded by Mr. Dickson, That all the words after "That" to the end of the Question be left out, and the words "John George Vansittart, Esquire, in returning Peter Carroll, Esquire, instead of the Honorable Francis Hincks, acted in dereliction of his duty as Returning Officer for the County of Oxford, and was guilty of a breach of the privileges of this House," added instead thereof.

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Christie, Dickson, Gagy, M'Connell, M'Lean, Smith of FRONTENAC, Stevenson, and Wilson.--(8.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Brooks, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Chauveau, Crisler, Davignon, DeWitt, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Marquis, M'Farland, Merritt, Méthot, Morrison, Nelson, Notman, Papineau, Price, Prince, Richards, Robinson, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Thompson, Viger, Watts, and Wetenhall.--(62.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Lyon, Marquis, M'Farland, Merritt, Méthot, Morrison, Nelson, Notman, Papineau, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wetenhall.--(51.)



NAYS.

Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Guay, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Wilson.--(20.)

So it was resolved in the Affirmative.

Mr. Notman moved, seconded by the Honorable Mr. Boulton, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency may be pleased to remove the said John George Vansittart, Esquire, from being Inspector of Licenses of the District of Brock, as a warning to others who shall hereafter fill the very responsible office of Returning Officer.

SIR A. MACNAB ... ((made)) very few remarks<sup>124</sup>.

(80)

Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Macdonald, That all the words after "That" to the end of the Question be left out, and the words "John George Vansittart, Esquire, be brought to the bar of this House, that he there be admonished by Mr. Speaker, and then discharged," added instead thereof.

MR. J. SCOTT (Bytown) thought gentlemen on the other side of the House, would have consulted more the interest of their client, Mr. Vansittart, had they adopted a different line of conduct; their whole conduct had been to weave a tissue of abuse towards all their opponents. On the other side every member had voted together on every amendment. If the divisions were consulted it would be found that this was not the case with his (Mr. Scott's) side of the House. It must be admitted that Mr. Vansittart deserved punishment. He would have voted to imprison him but would not vote to take away his office; that would be a cowardly act on the part of the majority which would besides throw the patronage of this office into the hands of the hon. Inspector-General. A ministry should be above suspicion, but if this course were adopted, whatever the purity of their motives, the public would say that the Returning Officer was dismissed to make room for an admirer of the Inspector-General. He would, therefore, vote for the amendment.<sup>125</sup>

(81)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cayley, Christie, Crysler, Dickson, Flint, Guay, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Prince, Robinson, Scott of BYTOWN, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(21.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Duchesnay, Dumas, Fergusson, Fortier, Fournier, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Marquis, M'Farland, Merritt, Méthot, Morrison, Nelson, Notman, Papineau, Price,

Richards, Smudgean, Scott of TWO MOUNTAINS, Scotch of VERNON, Smith of  
WENTWORTH, Traké, Thomson, Wyer, Watte, Wetmore, and Wilson.--Aye.

So it passed in the Negative.

And at six o'clock, P. M., pursuant to Order, the House was adjourned  
 by Mr. Speaker, without a question first put, till to-morrow.



APPENDIX: 12 FEBRUARY 1849.

((WITHDRAWN PETITION RE: SURVEY OF TOWNSHIP OF NOUVELLE.))

MR. CHRISTIE presented a petition from the inhabitants of the Township of Nouvelle, on the Bay of Chaleurs, praying for a survey of the division of the Township.<sup>126</sup>

MR. AT. GEN. BALDWIN ((requested)) the Petition ... ((be)) withdrawn, to afford an opportunity to the Crown Lands Commissioners to say whether the object of the Petitioners could not be reached by means of that Department.<sup>127</sup>

The Petition was withdrawn.<sup>128</sup>

FOOTNOTES: 12 FEBRUARY 1849.

1. MONTREAL GAZETTE, 14 February 1849.
2. A copy of this petition may be found in BRITISH COLONIST, 24 April 1849.
3. GLOBE, 21 February 1849. The following was also reported in PILOT, 14 February 1849, copied by BROCKVILLE RECORDER, 22 February 1849, in identical reports.
4. GLOBE, 21 February 1849.
5. The debate on this matter was reported by: MONTREAL GAZETTE, 14 February 1849; and PILOT, 14 February 1849, copied by BROCKVILLE RECORDER, 22 February 1849, BRITISH WHIG, 16 February 1849, which acknowledged MONTREAL HERALD as its source, GLOBE, 21 February 1849, in identical accounts. The GLOBE will be reproduced instead of the less legible PILOT.
6. GLOBE, 21 February 1849.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. The debate on this matter was reported by: MONTREAL GAZETTE, 14 February 1849; and PILOT, 14 February 1849, copied by BROCKVILLE RECORDER, 22 February 1849, and BRITISH WHIG, 16 February 1849, which acknowledged MONTREAL HERALD as its source, in identical accounts.
14. PILOT, 14 February 1849.
15. IBID.
16. MONTREAL GAZETTE, 14 February 1849.
17. IBID.
18. IBID.
19. IBID.
20. The debate on this matter was reported by: MONTREAL GAZETTE, 14 February 1849; PILOT, 14 February 1849, and GLOBE, 21 February 1849, in identical accounts, except that GLOBE omitted a large number of speeches. PRINCE EDWARD GAZETTE, 23 February 1849, noted the debate. Whenever possible, the GLOBE will be reproduced instead of the less legible PILOT.
21. MONTREAL GAZETTE, 14 February 1849.
22. GLOBE, 21 February 1849.
23. MONTREAL GAZETTE, 14 February 1849.
24. GLOBE, 21 February 1849.
25. MONTREAL GAZETTE, 14 February 1849.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. PILOT, 14 February 1849.
31. MONTREAL GAZETTE, 14 February 1849.
32. PILOT, 14 February 1849.
33. MONTREAL GAZETTE, 14 February 1849.
34. PILOT, 14 February 1849.
35. MONTREAL GAZETTE, 14 February 1849.
36. IBID.



37. PILOT, 14 February 1849.
38. MONTREAL GAZETTE, 14 February 1849.
39. PILOT, 14 February 1849.
40. MONTREAL GAZETTE, 14 February 1849.
41. PILOT, 14 February 1849.
42. MONTREAL GAZETTE, 14 February 1849.
43. PILOT, 14 February 1849.
44. MONTREAL GAZETTE, 14 February 1849.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. PILOT, 14 February 1849. The ellipses represent illegible lines.
50. MONTREAL GAZETTE, 14 February 1849.
51. IBID.
52. PILOT, 14 February 1849.
53. MONTREAL GAZETTE, 14 February 1849.
54. PILOT, 14 February 1849.
55. MONTREAL GAZETTE, 14 February 1849.
56. PILOT, 14 February 1849.
57. MONTREAL GAZETTE, 14 February 1849.
58. PILOT, 14 February 1849.
59. MONTREAL GAZETTE, 14 February 1849.
60. IBID.
61. PILOT, 14 February 1849.
62. IBID.
63. MONTREAL GAZETTE, 14 February 1849.
64. PILOT, 14 February 1849.
65. MONTREAL GAZETTE, 14 February 1849.
66. PILOT, 14 February 1849.
67. MONTREAL GAZETTE, 14 February 1849.
68. PILOT, 14 February 1849.
69. MONTREAL GAZETTE, 14 February 1849.
70. PILOT, 14 February 1849.
71. MONTREAL GAZETTE, 14 February 1849.
72. PILOT, 14 February 1849. The ellipses represent illegible words.
73. MONTREAL GAZETTE, 14 February 1849.
74. PILOT, 14 February 1849.
75. MONTREAL GAZETTE, 14 February 1849.
76. PILOT, 14 February 1849.
77. IBID.
78. IBID.
79. MONTREAL GAZETTE, 14 February 1849.
80. PILOT, 14 February 1849.
81. MONTREAL GAZETTE, 14 February 1849.
82. PILOT, 14 February 1849.
83. IBID.
84. IBID.
85. MONTREAL GAZETTE, 14 February 1849.
86. PILOT, 14 February 1849.
87. MONTREAL GAZETTE, 14 February 1849.
88. PILOT, 14 February 1849.
89. MONTREAL GAZETTE, 14 February 1849.
90. PILOT, 14 February 1849.

91. IBID.
92. IBID.
93. MONTREAL GAZETTE, 14 February 1849.
94. PILOT, 14 February 1849.
95. MONTREAL GAZETTE, 14 February 1849.
96. PILOT, 14 February 1849.
97. MONTREAL GAZETTE, 14 February 1849.
98. IBID., which reports Dunbigh, not Dundee.
99. PILOT, 14 February 1849.
100. MONTREAL GAZETTE, 14 February 1849.
101. PILOT, 14 February 1849.
102. MONTREAL GAZETTE, 14 February 1849.
103. PILOT, 14 February 1849.
104. MONTREAL GAZETTE, 14 February 1849.
105. PILOT, 14 February 1849.
106. MONTREAL GAZETTE, 14 February 1849.
107. PILOT, 14 February 1849.
108. MONTREAL GAZETTE, 14 February 1849.
109. PILOT, 14 February 1849.
110. MONTREAL GAZETTE, 14 February 1849.
111. PILOT, 14 February 1849.
112. MONTREAL GAZETTE, 14 February 1849.
113. PILOT, 14 February 1849.
114. MONTREAL GAZETTE, 14 February 1849.
115. IBID.
116. IBID.
117. IBID.
118. PILOT, 14 February 1849, reported this as "nineteen out of twenty persons."
119. MONTREAL GAZETTE, 14 February 1849.
120. IBID.
121. IBID.
122. PILOT, 14 February 1849.
123. MONTREAL GAZETTE, 14 February 1849.
124. PILOT, 14 February 1849.
125. IBID.
126. MONTREAL GAZETTE, 14 February 1849.
127. IBID.
128. IBID.



TUESDAY, 13 FEBRUARY 1849.

(81)

Gore Bank.

MR. SPEAKER laid before the House, a Statement of the Affairs of the Gore Bank, received in conformity to an Order of this House, of the twenty-fifth ultimo.

Appendix (P.)

For the said Statement, see Appendix (P.)

Petitions

brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Brooks,--The Petition of Amos Bishop, Esquire, and others, of the Township of Dudswell, County of Sherbrooke.

By the Honorable Mr. Cameron, of Kent,--The Petition of Abner Lidwill and others, of the Township of Colchester; and the Petition of Benjamin Knapp and others, of Chatham and Camden.

By Mr. Nelson,--The Petition of Alfred Savage and others, Apothecaries, Chemists, and Druggists of Canada East.

By Mr. Cauchon,--The Petition of the Reverend N. A. Leclerc and others, of Lambton and other Townships, County of Megantic.

By Mr. Fortier,--The Petition of J. B. Legendre, Esquire, Mayor, and P. Pepin, Secretary, of the Municipal Council of Nicolet.

By Mr. Burritt,--The Petition of William Bacon, of the Village of Ogdensburgh, in the State of New York, merchants.

By Mr. Thompson,--The Petition of John DeCew and others, of Haldimand.

By Mr. Christie,--The Petition of James Moir Ferres, of the City of Montreal, Esquire.

By Mr. Gugy,--The Petition of the Municipal Council of Sherbrooke (Aylmer Bridge).

By Mr. Wilson,--The Petition of Thomas C. Dixon, Esquire, and others, of the Town of London and vicinity.

By Mr. Sauvageau,--The Petition of Charles Morice and others.

Petitions of  
the Bishop  
of Bytown;

Ordered, That the Petition of the Right Reverend the Bishop of Bytown, praying an Act of Incorporation for the College of Bytown; and the Petition of the Right Reverend the Bishop of Bytown, praying an Act of Incorporation for "La Communauté des Révérendes Soeurs de la Charité," be referred to the Standing Committee on Standing Orders.

Of J. B. Warren  
and others;

Resolved, That the Petition of John B. Warren and others, of Whitby and other Townships, in the Home District, be referred to a Select Committee composed of Mr. Solicitor General Blake, Mr. Richards, Mr. Flint, Mr. Macdonald, of Glengarry, and Mr. Bell, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of H. Cole  
and others,  
referred.

Ordered, That the Petition of Henry Cole and others, of Saugog Island, be referred to the said Committee.

Sixth Report of  
Committee on  
Standing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of M. A. Primeau and A. A. Trottier, and find that the necessary notices have been given by the Petitioners.

With respect to the petition of John Charlton and others, for the incorporation of a Plank Road Company in the Home District, they find that though the notice was published in a local paper for a period of two months, it was not continued up to the time of the presentation of the Petition, having ceased in August last; a notice was published, however, in the "Canada Gazette" during the same time, which was continued till within a few days of the meeting of the Legislature. The Petition of A. Archibault and others, for authority to build a Bridge over the River L'Assomption, presents a similar case, the notice having been commenced in June, and discontinued on the 23rd of December last; but, inasmuch, as in both these cases the spirit of the 66th Rule appears to have been complied with, Your Committee have no hesitation in recommending that the notice be deemed sufficient.

The Petitions of the Honorable William Walker and others,--of the Religious Ladies of the Hôtel Dieu of Montreal,--of the Reverend J. C. Léonard,--of Thomas Bowerman and others,--and of James Cuthbertson and others, are not, in the opinion of Your Committee, such as to require a notice under the 66th Rule.

On motion of Mr. DeWitt, seconded by Mr. Sauvageau,

<u>Petitions of J. Molson and others.</u>	Ordered, That the Select Committee to which was referred the Petition of <u>John Molson</u> , Esquire, and others, the Company of Proprietors of the <u>Montreal and Province Line Junction Railway</u> , and another reference, have power to report from time to time.
---	--

<u>Primeaux and Trottier's Bridge Bill.</u>	Ordered, That Mr. <u>DeWitt</u> have leave to bring in a Bill to authorize <u>Marc Antoine Primeaux</u> and <u>Antoine A. Trottier</u> to erect a Toll Bridge over the River <u>Chateauguay</u> , in the Parish of <u>Ste. Martine</u> , and to make a Plank Road from the River <u>St. Lawrence</u> to the River <u>Chateauguay</u> , in the said Parish, and to fix the Tolls to be taken upon the said Bridge and Road, and to make further provision in that behalf.
---	--

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the twenty-second instant.

(82)

<u>Soeurs Hospitalières (Montreal) Bill.</u>	Ordered, That Mr. <u>Dumas</u> have leave to bring in a Bill to authorize the Religious Community of the " <u>Soeurs Hospitalières de St. Joseph de l'Hôtel Dieu de Montréal</u> " to acquire and hold real and personal property to a certain amount over and above that now held by them, as well for themselves as for the Poor of the <u>Hôtel Dieu</u> on whose behalf they administer certain property, and for other purposes therein mentioned.
--	---

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.



Bridge Bill of  
A. Archambeault  
and others.

Ordered, That Mr. Dumas have leave to bring in a  
Bill to authorize Antoine Amable Archambeault  
and others, to erect a Toll Bridge over the  
River L'Assomption, and for other purposes

therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

MR. H. SHERWOOD,<sup>1</sup> of Toronto, moved for an address to His Excellency, praying for copies of the Commissions of the Commissioners appointed to investigate into the affairs of the University of King's College, and also, for copies of their instructions, and all other documents relative thereto (sic). Mr. Sherwood, in moving for the address, said he was desirous of obtaining the documents prior to any steps being taken by the Government to make any alterations in the constitution of the University, as they might gather information from them which would be of importance to them in considering the measure which would probably, be introduced into the House.<sup>2</sup>

MR. AT. GEN. BALDWIN remarked that the hon. gentleman was in error in supposing that a Commission had been appointed by Government, it was in reality a Committee appointed by the<sup>3</sup> Council of the University, and that, it was appointed with reference to the pecuniary affairs of the University only<sup>4</sup>. At the same time, he would take occasion to remark, that the reason why the Government had not laid before the House their Bill, with respect to the University, as soon as their other measures, was, that they were in expectation of a preliminary, if not a final report, which would give them some idea of the monetary affairs of the College. His hon. friend from Halton, who was on the Commission, would, he believed, be prepared to give every information respecting the<sup>5</sup> proceedings of the Commission.<sup>6</sup>

MR. H. SHERWOOD understood that the Commission had been appointed by the Government.<sup>7</sup>

MR. AT. GEN. BALDWIN.--"No."<sup>8</sup>

MR. H. SHERWOOD.--He would remark that he was not aware what was the nature of the Bill the Government intended to bring in, but he moved for this information in order that he might know how to vote on the Bill when it was introduced.<sup>9</sup>

MR. WETENHALL said he was, as the learned Attorney General had stated, a member of King's College Commission, which had been established by authority of a Statute of King's College passed in July last. Mr. W. then said he had informed the Commission, a few days before leaving Toronto, that he was about to attend in his seat in Parliament, and as it was probable he might be called on to explain why the Commission had not made their final report, he wished to confer with them on the subject. The Commissioners were unanimously of opinion that he should make no statement in Parliament which could be construed into an expression of opinion on matters still under consideration. He then proceeded to state that the Commission, consisting of Dr. Workman, Judge Bruns, and himself, met for the first time on the 7th August last, and after nominating him (Mr. Wetenhall) Chairman, proceeded to call on the Rev. Dr. McCaul, President of the University, and informed him that they were ready to enter upon their duties. The President

conducted Commissioners to the office of King's College, where, with the Bursar, he entered into some details of the business of the office, explanatory of the nature and purposes of the account books kept therein, offered the Commissioners necessary office and other accommodation in Parliament Buildings, and offered every assistance in the prosecution of their inquiry. The Commissioners have received at the hands of the President, and of every officer and servant of the University, the most marked courtesy and attention. The first object of the Commissioners was to make themselves acquainted with the manner in which the business of the College office had been conducted from the founding of the University, in 1827, down to the present time; and as they were aware that much excitement on this subject prevailed throughout the Province, they felt convinced of the necessity of approaching their inquiries unbiased by party feeling or denominational predilections. They, therefore, resolved to discard from their minds all reference to any statements which had been made in relation to the affairs of the University, either by the advocates or by the opponents of the present organization and management; and to form their opinions exclusively upon the facts which they should themselves discover in the course of their investigations. With this view the Commissioners deemed it proper to confine their preliminary inquiries to the examination of the documentary evidence afforded by the University records. The minutes of the College Council, and the copies of its official correspondence, were therefore obtained, and read over with much attention, extracts being taken in every instance in which the Commissioners deemed explanation necessary. The records thus examined were comprised in eight books, each containing a very large amount of matter--three being the minute books of the Council, and five the letter books. After examining these records, the Commissioners found it necessary to address a number of questions to several of the offices of the University, seeking for explanation upon various matters referred to in these records. These questions were framed with much care, and embraced so wide a range of facts, as to render their construction a work of considerable labour and solicitude. And it is probable that the preparation of the answers by the several parties to whom they were addressed, will require some time, and much careful consideration, in order to render them sufficiently explicit to meet the purposes desired. In order to conduct with exactitude and satisfaction that part of the investigation which related to the department of accounts, the Commissioners deemed it expedient to obtain the services of a competent accountant, and they were so fortunate as to secure one whose qualifications were well known in the city of Toronto to be of a high order, and have been proved to the Commissioners to be such as to fully justify their appointment. They proceeded, with the assistance of their accountant, to make a cursory examination of the College account books, with a view to decide directly upon the plan to be adopted in preparing a full and clear statement of the state of the University Finances. Before commencing this examination, they had entertained the belief that the existing account books available in the Bursar's office would be found sufficient for the purpose desired, but they soon discovered, with much regret, that it would be a matter of total impossibility to declare from these books a satisfactory and reliable report of the present state of the finances or of the general management, the endowment. In order to arrive at the end proposed, and to accomplish in a proper manner this task which, by the terms of their appointment, had



been imposed upon them, the Commissioners perceived that a recompilation of the accounts upon approved commercial principles was indispensable; they accordingly lost no time in making the necessary arrangements for the prosecution and final completion of this work. For some time after opening these new accounts, the Commissioners had flattered themselves, that by dint of strong exertions on their own part, and on that of the Clerks employed by them, they might succeed in completing their work, so as to be prepared with their final report before the opening of the present Session of Parliament. Difficulties, however, over which they could exercise no control, and to which it would be improper, at this stage of their labours, to make special reference from day to day, presented themselves; and the conviction that the labours of the Commission would inevitably be protracted to a period much more distant than the members or the public could possibly have supposed at the time of their appointment, was most reluctantly established in the minds of the Commissioners. Having at the outset determined that the work should be either well done, or not attempted, the Commissioners ...((had no)) alternative, but to proceed with their labours in the system which they had decided upon pursuing. A complete new set of accounts books, constructed upon the principle of double entry, is in process of compilation; the materials for the construction of these books are drawn from the existing account books and financial records of the College Office. This part of the work is one of considerable difficulty, and requiring the exercise of sound practical knowledge, and the utmost patience and penetration on the part of the accountant. Annual balances are made with a view to ensure accuracy in the general work, and to enable the Commissioners to prevent such periodical statements of the affairs of the University as may exhibit the character of the management at various periods of administration. The number of accounts in the ledger is found to undergo a very considerable annual increase, and no doubt the circumstance will be found a source of augmentation of labour for several years from the foundation of the institution. The Commissioners have no difficulty in stating that they are fully convinced that their labours will, when completed, be found valuable alike to the interests of the community and of the University; and though no other advantage should be secured than the establishment of a rational and scientific system of keeping the College accounts, the work will not have been performed in vain; the account books which will be left by the Commissioners will not only serve the purposes of readily available financial records, but will also be found a model for the illustration of a proper and valuable system of bookkeeping--a consideration heretofore of great importance in King's College Office.<sup>10</sup>

(82)

*On motion of the Honorable Mr. Sherwood, seconded by the Honorable Mr. Macdonald,*

*King's College.*

*Resolved, That an humble Address be presented to*

*His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Copy of the Ordinance of the Council of King's College appointing Commissioners to enquire into the affairs of the said College, and of the Instructions given to the said Commissioners, as well as of all other documents having reference thereto.*

*Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the*

Executive Council of this Province.

Blue Book.

The Honorable Mr. HENRIS, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, The Blue Book, for the year 1847.

Ordered  
in Session.

The House, according to Order, resumed the further consideration of the Question which was yesterday proposed, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency may be pleased to remove the said John George Vansittart, Esquire, from being Inspector of Licenses for the District of Brace, as a warning to others who shall hereafter fill the very responsible office of Returning Officer.

Mr. DAVIGNON moved in amendment to the Question, seconded by Mr. Lemieux, That all the words after "That" to the end of the Question be left out, and the words "John George Vansittart, Esquire, be imprisoned in the Common Gaol of this District during the space of twenty-four hours, and that Mr. Speaker do issue his Warrant therefor," added instead thereof.<sup>11</sup>

DR. DAVIGNON.--He considered the House as a Judge as well as a Jury, and thought it should itself inflict the appropriate punishment.<sup>12</sup>

(32)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Christie, DAVIGNON, Duchesnay, Fournier, Guillet, Latourrière, Laurin, Lemieux, Marquis, and Wilson.--(10.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaudin, Bell, Solicitor General Blake, Boulton of MORFOL, Brooks, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Chamveau, DeWitt, Dickson, Dumas, Fennelton, Fortier, Guy, Hall, Hinks, Holmes, Jobin, Attorney General LaFontaine, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Mellock, M'Farlane, M'Lean, Merritt, Méthot, Morrison, Norman, Pariseau, Price, Richards, Robinson, Salvageau, Scott of BRITOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Thompson, Viger, Watts, and Wetherhall.--(52.)

So it passed in the Negative.

And the Question being again proposed, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency may be pleased to remove the said John George Vansittart, Esquire, from being Inspector of Licenses for the District of Brace, as a warning to others who shall hereafter fill the very responsible office of Returning Officer.

Mr. Wilson moved in amendment to the Question, seconded by Mr. Hall, That all the words after "from" to the end of the Question be left out, and the words "all his offices, except that of Inspector of Licenses," added instead thereof.

MR. H. BOULTON said that it had been frequently asserted that the office which they were going to deprive Mr. Vansittart of was worth £150 a year, but that upon referring to the blue book which had just been laid upon the table, he found that the revenue of the office was stated to be



£59. 5s. 4d., about £100 less than what had been stated by members opposite to be worth; and that the other office which had been represented as being only worth £7, was worth £24 8s. 5d.,<sup>13</sup> and that by Mr. Vansittart's own returns. He merely mentioned these facts to shew the very losse (sic) manner in which hon. members spoke of facts, which he thought, should have been represented with a greater degree of accuracy.<sup>14</sup>

MR. LYON said that it appeared to him, after hearing the amendment just read, that the gentleman (sic) opposite were not actuated by any principle in dealing with the question, and that the course which had been followed by them, was almost enough in itself to have induced him to vote for the original motion. He had been much disappointed at the course which had been taken, and it appeared to him that they were in favor of the amendment. Supposing that they were also in favor of the original Resolution.<sup>15</sup>

SIR A. MACNAB asked for what year the blue book which had just been read was for?<sup>16</sup>

Cries of for 1847.<sup>17</sup>

SIR A. MACNAB ((resumed:)) Then it appeared to him that he was right yet. The hon. member had told them what the offices were worth in 1847, but that did not prove what they were worth now. It certainly looked a little strange that the blue book should have just been brought down at that precise moment, when the hon. member just wanted it. Why was not the blue book for 1848 also brought down? The blue book was generally brought down in the beginning of the Session. Well, £24 8s. 5d. from £59 8s. 4d. would leave Mr. Vansittart £35 less a penny, a large sum certainly. He had heard it stated that the Hon. Inspector-General had promised that the appointment they were taking away, to a son of one Charles, a tavern-keeper.<sup>18</sup>

MR. INSP. GEN. HINCKS denied it.<sup>19</sup>

SIR A. MACNAB.--Well, then, such had been stated, it was spoken of as a matter of notoriety, and he thought the Hon. member should be obliged to him for mentioning it, in order that he might be afforded an opportunity of denying it, or he might have been convicted of it, as being a matter of notoriety.<sup>20</sup>

MR. INSP. GEN. HINCKS explained, with reference to the blue book being laid upon the table that day. He had been spoken to by the hon. member for Norfolk, several times, about the production of the blue book, but that he never gave him any idea of the purpose for which it was wanted by him.<sup>21</sup>

MR. WILSON made some remarks in answer to the member for Russell, as to the inconsistency of the course he (Mr. W.) had followed. He had commented upon Mr. Vansittart's conduct in as strong terms as he thought the case admitted of. He had desired that he should be punished, and he was willing that he should be reprimanded, or that he should have been imprisoned, but not long. From what had been said by the hon. member opposite, he thought that they would be contented with the removal of Mr. Vansittart from any one of his offices, without regard to the emoluments of it. He thought that they might, therefore, agree with him in taking away all his offices but one, leaving Mr. Vansittart the only one from which he derived any emolument; in a word, taking away all his honors, and leaving him the emolument which he enjoyed.<sup>22</sup>

MR. SHERWOOD would like to know if whether Mr. Vansittart was deprived of the office of Inspector of Licenses that he would also lose the office of Revenue Inspector, which offices, together, might yield a revenue of a \$100 a year.<sup>23</sup>

MR. CHAUVEAU said that they might as well take one office as the whole, because, by taking one, they declared him unworthy to hold the others.<sup>24</sup>

MR. WATTS made some remarks in answer to the observations of Sir Allan MacNab, on the preceding day, as to his conduct in 1841 relative to the questions as to investigation into the disturbances which had taken place at the contested elections that year, and deemed that he was ever in favor of starting any enquiry into any of them.<sup>25</sup>

MR. SHERWOOD asked the Inspector-General whether the situation of Revenue Inspector was held by a different commission from the office of Inspector of Licenses, and whether the depriving Mr. Vansittart of the latter would not also deprive him of the former office.<sup>26</sup>

MR. H. BOULTON did not know any thing about whether the one office was attached to the other or not, he had selected the first office which had occurred to him and he was still ready to adhere to the resolution which he first proposed, and he now recollected a case which formerly occurred in 1847, where a return having been contested it was deemed by the House of Assembly that the Returning Officer should give his evidence in the matter, and he was accordingly summoned to appear at the bar of the House for that purpose. The Returning Officer, Col. Fortune, not the original Col. Fortune, but a son of his, probably not liking to travel such a long distance as it was from his residence to Toronto especially during the winter, just walked across the Ottawa river to Carillon, and consequently the speaker's summons could not be served upon him, and these (sic) the House presented a petition to the Governor, praying to remove him from all his offices and he was accordingly stripped of every one of them.<sup>27</sup>

SIR A. MACNAB said that the facts were not correctly stated by the new member, Col. Fortune was served with the summons of the House, but actually refused to appear; and the House therefore order (sic) the speaker to issue his warrant to apprehend him and Col. Fortune was under that warrant, but effected his escape from the persons in charge of him into Lower Canada.<sup>28</sup>

MR. EGAN, thought that the gentlemen opposite had shown little regard for the feelings of Mr. Vansittart, in seeking to deprive him of the Office of Justice of the Peace and the appointment in the militia, which he held. He considered the motion of the member for Middlesex, to be more lenient than the amendment proposed by the member for London, he was prepared to have voted for Mr. Vansittart having been discharged after being reprimanded, but after the course pursued by the members opposite, he must say was now prepared to vote for the original motion.<sup>29</sup>

MR. SHERWOOD made some remarks to the effect that it was unfortunate that the appointment which it was proposed should be taken from Mr. Vansittart, would be placed in the hands of the Inspector-General.<sup>30</sup>

A voice not in his, but in the hands of the government.<sup>31</sup>

MR. SHERWOOD ((continued:)) who had taken such an active part against



Mr. Vansittart, it would have looked better if considering the position of the hon. Inspector-General, any other of Mr. Vansittart's offices should have been selected.<sup>32</sup>

MR. INSP. GEN. HINCKS said, in answer to the question which had been put as to whether depriving Mr. Vansittart of the office of Inspector of Licenses, would also deprive him of the office of Inspector of Revenue, he could not answer positively, at that moment, whether Mr. Vansittart held distinct commissions for each of the offices; but from what he could learn from the Act, which he now held in his hand, he thought it merely assigned certain duties to an officer in power called the District Inspector, not the Inspector of Revenue, as he had been called.<sup>33</sup>

A voice, but there is no District Inspector.<sup>34</sup>

MR. INSP. GEN. HINCKS ((continued:)) But it was the same office which was meant, and as to the question whether if Mr. Vansittart held two commissions for the office mentioned, it was intended to take them both from him the two offices could not be separated, their emoluments were joined, and the accounts of the two offices were kept together.<sup>35</sup>

MR. CHRISTIE merely rose to say that he should vote against the amendment, and against the original motion because they both asked for an address to His Excellency praying him to carry out the desires of the House, because he considered it derogatory to the House. To apply to the governor, was utterly out of the question, unless they wished to reduce His Excellency to the position of mere chiseller, and to make the hon. member opposite the Thurlow breed of the country.<sup>36</sup>

DR. LATERRIERE complained of the time occupied in this discussion; but declared he could not vote for a motion like that before the House, which for a purely political offence would deprive this gentleman--and which he was much more tender of--his family of their means of living.<sup>37</sup>

COL. GUGY rose amid cries of question, and said he could not allow the question to be put without saying a few last words (laughter and hear) upon it. It appeared to him that when a coach was upset the one way, it did not mend the matter much to violently upset it the other way. By inflicting a punishment so much out of proportion to the offence as it was in the case before the House, they would render returning officers subservient to the majority of the House, and so far from serving as the warning which was intended to be given to returning officers not faithfully discharging their duties, it would only have that effect. It was natural for the gentlemen opposite, who expected to have a pretty long lease of power, to desire to make returning officers to act according to their wishes. It was one of the acts by which a party might be expected to attempt to consolidate their power. He would perhaps have been less disposed to oppose the Resolution if the evil which had attended Mr. Vansittart's conduct had been greater or more permanent. But what had been the result of it? The mere exclusion for two or three days of the person who was now member for Oxford, from his seat in that house. If he had been deprived of his seat for a long time, for a whole session for instance, it would have been a more enormous crime, and he would have gone a great length in punishing it; but as had been the consequence of the offence, so, in his opinion, should he be punished. If it was true that the members on his side voted from party motives, they at least voted on the side of mercy, and there were not any members on his side who had

acted as prosecutor or witness, or as advocate, like the hon. member for Oxford; who had combined them all, and whom he would ask if he intended to clap (sic) the climax by voting on that occasion.<sup>38</sup>

(82)

*And the Question being put on the Amendement; the House divided:--And it passed in the Negative.*

Only the mover and seconder MR. HALL ... ((voted)) for it.<sup>39</sup>

(82)

*Then the main Question being put,*

MR. BADGLEY thought that if they took any of Mr. Vansittart's offices, they should take them all. It was not the money that that gentleman cared for, it was the disgrace. He maintained that this question had been treated as a party question throughout, by the hon. gentlemen opposite, and that, as such, they would vote on it. The effect of this motion would be to give Mr. Vansittart more importance than he could ever have attained to, under any other circumstance. He must oppose the motion; and he felt sure that if this matter had not had reference to the election of a member of the Administration, so much time would not have been wasted on it.<sup>40</sup>

MR. BROOKS ... said a few words<sup>41</sup>.

MR. J. SCOTT (Bytown) said that this had been made a party question by the Opposition, but not by the members of his side of the House. The Opposition had acted together throughout; but his party had not. He (Mr. Scott) was, and ever had been, a party man; but he did not conceive that this was in any way a party question.<sup>42</sup>

MR. FLINT said that if Mr. Vansittart had been made a martyr of at all, it had been by his own friends. He believed Mr. Vansittart had acted corruptly and as a partizan; but he thought it would be sufficient punishment to reprimand him at the Bar. Justice should be tempered with mercy.<sup>43</sup>

MR. J. S. MACDONALD (Glengarry), who had been absent during the discussion, stated his intention of voting against the motion. He believed Mr. Vansittart had acted erroneously, but not in violation of his oath. By adopting this motion, they would be only elevating Mr. Vansittart and making a martyr of him. He was in favor of admonishing Mr. Vansittart and allowing him to go about his business.<sup>44</sup>

(82)

*The House divided: and the names being called for, they were taken down, as follow:--*

#### YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NCRFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, DeWitt, Dumas, Egan, Fergusson, Fortier, Fournier, Hall, Hicks, Holmes, Jobin, Attorney General LaFontaine, Laurin, Nelson, Notman, Papineau, Price, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wetherhall. -- (44.)

#### NAYS.

Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Davignon, Dickson, Duchesnay, Flint, Guy, Guillet, Johnson, Laterrière, Lefebvre, Lyon, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch,



Marquis, M'Connell, M'Lean, Prince, Robinson, Scott of BYTOWN, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Wilson.--(31.)

*So it was resolved in the Affirmative.*

*Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the the Executive Council of this Province.*

Message from the Council.

*A Message from the Legislative Council, by John Jennings Taylor, Esquire, one of the Masters in Chancery:--*

Quarantine Bill.

*Mr. Speaker,*

*The Legislative Council have passed a Bill, intituled, "An Act to amend the Quarantine Act," to*

*which they desire the concurrence of this House.*

*And then he withdrew.*

The order of the day,<sup>45</sup> for the House to go into Committee of the whole, to take into consideration the expediency of paying the Rebellion Losses in Lower Canada, was then come to.<sup>46</sup>

MR. H. SHERWOOD of Toronto, said that before the order of the day was read, he would request that the hon. mover of the Resolutions would delay going into committee for a few days, in order to enable him to ascertain the views of his constituents on the subject.<sup>47</sup>

(82)

Rebellion Losses (L.C.)

*The Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being proposed, That the Order of the day for the House in Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada during the Political Troubles of 1837 and 1838, and of providing for the payment thereof, be now read.*

MR. AT. GEN. LAFONTAINE said the measure had been already before the House.<sup>48</sup>

MR. H. SHERWOOD said he was quite prepared himself to discuss and vote on the question, but he wanted to know what the opinions of the people of Toronto were on the question. He would, therefore, now move, seconded by Sir. A. MacNab, that the order of the day before the house be now read, but that it be read that day ten days.<sup>49</sup>

(82)

*The Honorable Mr. Sherwood moved in amendment to the Question, seconded by Sir Allan N. MacNab, That the words "now read" be left out, and the words "postponed for ten days, to give time for the expression of the feelings*

(83)

*of the country," added instead thereof.*

*And a Debate arising thereupon;*

COL. PRINCE hoped that the Administration would not have the house into Committee, but that they would give the Constituencies of the members from Upper Canada some opportunity of expressing their opinion on the measure;

he lived 600 miles away from this, and he asked for such delay as would enable him to consult his Constituents. He did not ask it as a favor, he demanded it as a right. It had been said by the Attorney General East, that it had already been before the house, but so monstrous a proposition was never before them, and he would die before he would consent to its passing, he was certain that three-fourths of the people of Upper Canada were against it.<sup>50</sup> The people of Upper Canada, would cut off their hands rather than pay these claims. One circumstance especially made him ask this delay; it was that the letters written by him a week ago, had been returned by accident, by the Postmaster at Hamilton.<sup>51</sup>

MR. ASST. COM. P.W. CAMERON asked what was the object of the delay? Was it that only one side should be heard?<sup>52</sup> It had already been attempted to gull the people of Upper Canada about the measure before the House, and to prejudice them against it<sup>53</sup>. Had not misrepresentation been dispersed all over the country? Had it not been falsely alleged that £180,000 were to be given for this object? Whereas £90,000 was all that was proposed.<sup>54</sup> They should therefore go into Committee, in order that the question might be fairly brought before them<sup>55</sup>. There were gentlemen on the other side who could make very little bunkum out of the measure; for some of them had tried to gain favour in Lower Canada by issuing Militia Scrip without any authority; and had appointed a committee to investigate their claims. There were some in Upper Canada, however, who were quite willing to pay those claims in Lower Canada, as they been paid in Upper Canada. He had himself done so much as the gallant Col. to get the Bill passed for Upper Canadian sufferers, which were to be paid by local taxes; they were willing that the same thing should be done in Lower Canada. He (Mr. Cameron) trusted there would be no Star Chamber scrutiny, as to whether a man was loyal or not; the question was whether property had been wantonly destroyed or not. The people of Upper Canada were satisfied to pay; they only made one condition that it should be done honestly and openly; not by pretending to take up a portion of the taxes and set them apart for this purpose. He repeated the people of Upper Canada had no objection to pay these claims in the same proportion as others were paid.<sup>56</sup>

MR. H. SMITH (Frontenac) thought these measures should not be proceeded with till each member had communicated with his constituents<sup>57</sup> ((and he)) demanded delay until he had an opportunity of hearing the views of his constituents upon the measure.<sup>58</sup> The people of Upper Canada were not, as had been said, being deceived on this point. He had himself sent up the resolutions, just as they were, without comment, and he expected the result of a public meeting<sup>59</sup> of his constituents, which was to take place last night, and if it did not agree with his views<sup>60</sup> he would be ready to resign<sup>61</sup> his seat, rather than be obliged to support the resolution. He would rather lose his life than vote for<sup>62</sup> paying such claims as these.<sup>63</sup> The claims had been put by persons who had been leaders of the Rebellion--there was one for £23,000, he would ask<sup>64</sup> would any other member from Upper Canada vote for paying that? (No one answered.)<sup>65</sup> He did not hear a single response, and he would therefore assume that it was intended to pay it.--There were many just claims which he had no objections to see compensated, but he would never consent to compensate the claims of those who<sup>66</sup> first got up the rebellion and afterwards lost by it.<sup>67</sup>

MR. H. SHERWOOD (Toronto) said he had frequently asked his honorable friend, the Hon. Att. Gen. West, for delay,<sup>68</sup> in order to allow the constituencies of Upper Canada time to express their opinions<sup>69</sup>, and his



request had been attended to--more particularly when no detriment would be suffered by that delay. He was therefore, surprised that any refusal should be made for delay in this case more particularly, when it was expected that there would be a strong expression of opinion on the part of the people of Upper Canada. If that expression of opinion were in opposition to the proposition now submitted, then any haste in pushing it on, would be injurious to the people; but if that expression were so unanimous in its favour, as the hon. member for Kent had asserted, then let them have that expression laid on the table. But he could not agree with the opinion affirmed by that hon. member, for he could not believe that throughout the length of Upper Canada, or amongst the British portion of the inhabitants of Lower Canada, there could be found any party who would be willing to pay for the Rebellion Losses now claimed.<sup>70</sup> He believed that not one in nine of them were in favor of it.<sup>71</sup> He was perhaps wofully (sic) mistaken, and if so, he would be willing to admit it, when that expression of opinion was obtained. The hon. gentleman then went into an explanation of the course pursued by the late Government with respect to the Upper Canada Rebellion Losses, asserting that they were unwilling to take the necessary sum out of the consolidated funds, and therefore, they surrendered the Tavern License Fund in Upper Canada, for the purpose of paying those Rebellion Losses in Upper Canada, whilst in Lower Canada the same fund was applied to local purposes--that is to say, for the construction of roads and bridges. Now, he would take that same fund, and the Marriage Fund also, and apply them to the same purposes, and he would vote for the proposition before them with all his heart--and he was not prepared to say, that he would not vote for the payment of these claims out of the consolidated fund, if the hon. gentlemen on the Ministerial benches would assure him that it was intended only to pay the claims of Loyalists. But he knew nothing more abhorrent in history than to call upon those who had taken up arms in the defence of their country--many of whom had lost their nearest and dearest connection in doing so--to remunerate those who had caused murder and bloodshed to be spread through the country. And he would defy any one to produce a parallel case from any part of history. Perhaps a great deal of that discussion might be prevented if the Hon. Att. Gen. would rise in his place and say that it was intended to pay the claims of those parties who had taken part in the rebellion. If they still kept silent, he would be justified in supposing that it was intended to do so.<sup>72</sup> He had no doubt that it could be attempted by some hon. member's (sic) to make it appear that in voting for the address brought in by his hon. friend the member for Lake of Two Mountains during the last Parliament for the Payment of the just claims for the Rebellion Losses in Lower Canada--<sup>73</sup>

MR. W. SCOTT rose to explain that the address moved by him did not require the payment of the just claims of the Lower Canadians, that would have been taking too wide a course. All that he required was, that a church which had been burnt during those disturbances should be rebuilt.<sup>74</sup>

MR. H. SHERWOOD continued.--He merely alluded to that address in order to rebut any imputation that might be brought against him, that in voting for the address of his honourable friend he had given his consent to the principle of paying those who had taken up arms, or had been actively engaged in rebellion. That imputation he hoped no hon. member would cast on him, as it was in opposition to every principle or feeling by which

he had ever been actuated. Such a system would in reality be an open encouragement to rebellion, as the parties engaged would be insured that if they failed in their schemes they should be indemnified for their losses. Was it the intention of the Government to induce hon. members, by means of deception, to vote for the payment of those rebels? An hon. member of the Government had expressed a hope that there would be no Star Chamber to enquire as to who was loyal or who was not loyal. He did not suppose that any person would be so weak on his side of the House, for it was well known that any individuals who had not taken up arms, or been otherwise engaged in rebellion, were heavy sufferers, and he was quite willing that such persons should be reimbursed. All that he demanded was, that the funds of the Province should be applied to the payment of rebels. In conclusion, he again appealed to the members of the Government, to grant a delay until hon. members could obtain from their constituents, decided expressions of opinion. He demanded it, he said, not as a favor, but as a right.<sup>75</sup>

MR. INSP. GEN. HINCKS said, that although that was not the proper time for discussing this question, yet as the hon. member for Toronto had gone so largely into the merits of the case, it would perhaps be permitted to him to say a few words. It appeared from what the hon. member stated, that he had no objection to the payment of what he called the just claim for Rebellion Losses, and yet at the same time was very indignant, as was also the hon. member for Frontenac, that any person who was not in their phraseology a loyalist, should be paid. In reply to that he would merely have to quote the words of his hon. friend, the member for Kent, who had asked, if they were going to establish a Star Chamber Commission, to try who was loyal and who was not; and besides it fortunately happened that the very course they were going to take was the one pursued by the late administration, who in a letter written by the Secretary of the Province, informed the Commissioners, that in their proceedings. They were to be guided, so far as the liberty of the claimants was concerned, by no other evidence than that furnished by the sentences of a court of law. So much for that part of the subject,--and indeed he would ask, in what other manner could they proceed? The hon. gentleman had shown great indignation against those individuals who had taken up arms in 1837 and 1838,--but he would ask, who were responsible for disturbances, but the hon. gentleman opposite, and the party whom they supported?<sup>76</sup>

Ironical cheers from the opposition.<sup>77</sup>

MR. INSP. GEN. HINCKS ((continued:)) Yes! Those were the parties whom he would have held responsible, and he was confirmed in that opinion, by the expressed declaration of two noble lords in England; one of whom had declared explicitly that from the unconstitutional manner in which the government was carried on, the people were perfectly justified in taking up arms to oppose it. It was well indeed for these hon. gentlemen to cry out with indignation, when the events of that day were especially attributable to them; but indeed, in his opinion, the less that was said about those events the better, for there was very little to be gained by any allusion to them, almost the entire blame being attributable to the system of government which then prevailed. He would after hurriedly glancing at the classification of the claims ((put them)) into four different classes,<sup>78</sup> those who claim as having been loyal, those who had not taken any part in the rebellion, but who could not be considered as



having been loyal, such claims would form a great majority of the whole; the third class were those who were excluded by the decision of the courts of law, and the fourth class were those persons who had taken part in the rebellion, but against whom there was no evidence furnished by the courts of law.--The hon. member for Toronto had agreed that the first two classes of claims should be paid, and of the last two it was intended to compensate one class, so that there was only one class<sup>79</sup> rejected as they were either marked, as being subjected to the sentence of a court, or else actually engaged in rebellion, without such sentence having been passed. He would next direct the attention of the House to the mode in which it was proposed to pay those claims; but before doing so, he would say that he was confident there was not a single individual in the House, who would not admit the course taken by the late Administration<sup>80</sup>. The payment of the Upper Canada losses from the Tavern License fund,<sup>81</sup> was a piece of juggling. He well remembered the time when discussion was first introduced into the United Parliament, in its first session Col. Prince who pressed for the immediate payment of those £40,000. He was told at the time that the Government was prepared to take the question into serious consideration. He (Mr. Hincks) opposed the motion at that time, and he must say that he regretted that it was ever taken up again. But what did the hon. members for Upper Canada say at that time? They said they would be willing to pay the rebellion losses by direct taxation on themselves; but in reality the Upper Canada losses were paid out of the Consolidated Revenue Fund. The late Ministry indeed, had picked out a certain part of that fund,<sup>82</sup> the Tavern License,<sup>83</sup> from which a much larger revenue was derived in Upper Canada than in Lower Canada, and they had appropriated that to the several districts.<sup>84</sup> The hon. member then went on to say that the simple question was the mode of paying these losses. If the present administration admitted the principle, they had been compelled to do so from the course which had been constantly pursued by the members of the opposition. It was the opposition which had pushed them on, and the hon. member for Essex had been one of the earliest to do so. He (Mr. Hincks) had always been opposed to the principle; he had told them so. He knew that it was the custom in European states not to pay war losses.<sup>85</sup>

SIR A. MACNAB.--No! why Ireland in 1798.<sup>86</sup>

MR. INSP. GEN. HINCKS.--That was a bad precedent. (Hear, hear.)<sup>87</sup>

MR. H. SMITH (Frontenac).--Then this is bad precedent, No. 2.<sup>88</sup>

MR. INSP. GEN. HINCKS.--It was the hon. member for the Two Mountains who had asked the late Government either a question, or had made some motion relative to the rebellion claims and he was answered immediately, that it was the intention to issue the Special Commission. Why give them this answer, if they were not in earnest? The fact was, it was a mere enterprise; for they wanted support on his honourable friend, and they got it.<sup>89</sup> He (Mr. Hincks) was at this moment prepared to show that Lower Canada would at this day suffer from that application to an equal or much greater amount than Upper Canada would suffer under the present measure. Ministers did not propose to alienate another part of the Consolidated Fund; but when the appeals were made to Upper Canadian members, and those gentlemen were told of the great losses their constituents were to suffer, he must complain of the misrepresentation which had taken place. He could not tell what amount would be required, because the commission which had been appointed had in fact never enquired into these claims at all; they had merely received

the applications of the claimants. Among those claims, he had no hesitation in saying, that some of them were most absurd. However, it had never been proposed to appropriate more than £100,000 to this purpose, out of which £10,000 was a sum issued in Debentures by hon. gentlemen on the other side, who had charged the same principal and interest on a fund too small to discharge it. The people really interested in the case were the claimants themselves, because as only a certain sum was to be appropriated, the thing must come to a composition, so that if any were paid not entitled to receive payment, the others would have less. Was not that so? If the two classes he alluded to--the Loyalists, and then the French Canadians--were to be paid in full, it was clear that £100,000 would not pay their losses. He (Mr. Hincks) and his friends had been, from the first, opposed to the payment of the £40,000 for Upper Canada. His hon. friend, the Attorney General (east), when that measure was proposed moved an amendment declaring the inexpediency of proceeding with it until Lower Canada were provided for also. The very day the measure was carried through the House it was announced that the Commission alluded to that day would be appointed; but after appointing it, it seemed that they merely turned round to the claimants and said, "We do not mean to pay you at all."<sup>90</sup> The Commission proved to be a mere blank, an excuse by which they could elude enquiry--and this had been the constant system of opposition when in office.<sup>91</sup> If those gentlemen meant to pay at all, why did they not appropriate the tavern license fund as sacred for the payment of the Lower Canada claims? They did nothing of the kind<sup>92</sup>. They had been handed to the District Councils for local purposes.<sup>93</sup> And now, if they meant to pay, he again asked, how they meant to do so after giving up this fund?<sup>94</sup> If the late administration had been sincere, how would they have paid the claim. For after having once given it to their controul as a fund, they could not get it back again. This was the case. And with regard to delay, what need was there of it? Hon. gentlemen seemed to think, that they ought to obtain an expression of public opinion. Did they really believe that this was to be attained by calling public meetings, and passing resolutions.<sup>95</sup> It was useless, for the people had no fair means of expressing an opinion, in consequence of having no means of understanding the question<sup>96</sup>. For his part, he thought that no gentleman on his side of the House, need fear the opinion of their constituents, for it was but an act of justice to Lower Canada, and he felt sure that no man in his county would not feel it a duty, Upper Canadian though he was, to perform that act of justice to Lower Canada.<sup>97</sup>

COL. GUGY,--Let the galled jade wince, our withers are unrung--the hon. member for Oxford had tried to cast some reflections on the opposite side of the House, that their present views were at variance with their former conduct. Such remarks were in no way applicable to him, and he wished to look calmly on the motion before the House, and to offer some reasons for its postponement. The facts were these: A Rebellion had broken out in both sections of the Province which had cost the British Government £2,000,000, perhaps £3,000,000, lives had been lost--families in affluence had been plunged into affliction, and cast from luxury into penury. Their evils had originated in the acts of a class of people. The hon. member for Oxford had said that they had been moved by good valid considerations. He had justified rebellion because the Government had been carried unconstitutionally by the hon. members for Hamilton and Toronto. He (Col. Gagy) congratulated the House, for they had a man, high in the con-



fidence of the Governor General, and occupying a leading ministerial office, justifying rebellion.<sup>98</sup>

MR. INSP. GEN. HINCKS.--the hon. member has mistaken me. I did not justify rebellion.<sup>99</sup>

COL. GUGY, had understood the member for Oxford to say, as had members beside him (Col. Guky) had likewise heard him, (Hear, hear,)--that the rebellion was justified in his view, on account of the unconstitutional government of the day. It followed that if the hon. member for Oxford found himself again in the opposition, he would if he dared head a rebellion to-morrow,--if he deemed the government unconstitutional, he would be justified in rebelling, and not only he, but the Ministry. The whole party must lie under the imputation, if they did not indignantly disclaim those sentiments. He (Col. Guky) knew that in the party there were some men who loved order and truth, they could not support the position of the hon. member. He could not assume, such an insult as to suppose the whole party adopted such opinions, as the hon. member for Oxford had professed. But they ought to disclaim those views, they were dangerous, criminal, and subversive of order, of men who would rebel whenever they were out of office. What was the state of the finances, according to the great financial gem, they were prosperous, yes, in his view perhaps, but he (Col. Guky) thought that they verged upon bankruptcy. There were government debentures, twenty dollars of which went for nineteen, he could speak on that point from personal experience. The finances of Canada were not flourishing, although under the control of the member for Oxford. We want rail-roads, and there was the particular company whose hospitality the hon. members had lately enjoyed, it was most desirable that that route should be continued. There were many other projects which it would be most desirable to continue, but what assistance could be given if the funds were pledged to reward those who had resorted to resistance; now the word loyalist is a term of reproach, for the law was to reward those who had rebelled; they flourished while loyalists were beggared, and many of them disgraced in Canada East. When the day came for the question between loyalists and separatists, it was not for that house to decide it. He had read in a book that there was a partnership to do the Devil's business, without mentioning his name in the firm, and Commissioners would be named to apportion those funds. Those Commissioners would be desired to give the preference to Separationists. They would get the money, and the Loyalists would get none. In this instance, the negotiation would be conducted by the Thurlow Weed of the Administration. He would be the go-between. As to the letter of Mr. Secretary Daly, the course now adopted sickened him--he felt disgust, like a passenger who learned that the crew had scuttled the ship, and escaped in the boats. The hon. member for Oxford had said the Court of Law would determine the recipient of the indemnification. He (Col. Guky) would tell them an anecdote which had happened to himself, and he could establish the truth of what he said. He had taken in arms five hundred and seventy-five men, some wounded--all of these he had released, for he had received their excuses--some of which were strange enough. However, he was prepared to believe every thing, and he dismissed them a short time after he walked out with the priest, and he there heard several of the released prisoners talking about himself and laughing at his folly, in having released them. Were these men to be rewarded? or to be compensated for the result of their own act? They had never even been in a Court of Law. Now, if the claim

depended on the fact of a judgment rendered, they might all be passed. As to the Resolutions before the house, he would ask the members of the Administration, he would ask one question, and if answered satisfactorily, he would give them his support. Did they mean to limit this compensation to loyal men--he paused for a reply. (The hon. gentleman stopped for a few minutes.)--There was no answer--he could form his own conclusions.

He remembered the investigating the house, where Vanburg and others had taken refuge. He remembered him with wounds on his person, when his barns and stables were burnt, and the distress of his wife and children on that night of terror. If they meant to restrict the recompense to these he would vote for it, but if not, it would be vicious and dishonourable and could not come to good. He asked if the act of indemnity was passed as a precursor of the present resolutions. He put the question that there might be nothing disingenuous or insidious, he asked the hon. member for Oxford if the Act of Amnesty did not place every man who took part in the rebellion in the same position that he was before the revulsion. He put it to the country and not to the hon. gentlemen opposite, for he knew they would not answer, if that Act of Amnesty was not passed with ulterior views to recompense the remnant of those who felt the deepest hatred of every thing English. He would put a question to an hon. member whom he highly respected in private life,--such a question as the editor of a newspaper would put,--a gentleman who is well known had been in armed resistance against the Queen's authority--he claimed £23,000. It was not the sum, it was the principle, if they gave him a penny they might give him thousands of pounds for aught he cared, and he, (Col. G.) wished him well, God knew. It was a point worthy of the consideration of this House, of the ministry. That gentleman had been the very head and front of offending. He had defeated the Queen's force, had made widows and orphans. He would put the question if they intended to pay him, or the widows and orphans he had made.<sup>100</sup>

DR. NELSON, said he would answer it.--He had made no claim.<sup>101</sup>

COL. GUGY wanted the ministry to answer the question. He had not opposed the passing of the Act of Amnesty, as it was not usual to oppose an Act of that kind.--He asked again if payment of that particular kind formed parts of what they were going to pay; he would like that they should answer the question. The bare idea filled him with affright. He knew that a majority might do much. He knew that it was said, that those who were loyalists would one day be dangling in the air. He had never entered the room of the Court Martial. The hon. member for Oxford had charged them with originating the rebellion, he had heard that hon. gentleman make that taunt, and tell them that the fault was theirs; that hon. gentleman had forgot that those were then his opinions; he might have found it convenient to change them, and float down the stream of events, and receive all the honors and emolument of a seat on the treasury benches. He would put it in another light. He would ask those who were temperance men, if they would like to see Tavern Licenses appropriated for this purpose. He would object to it for want of a better word as a temperance measure.<sup>102</sup>

Hear, hear, from MR. INSP. GEN. HINCKS.<sup>103</sup>

COL GUGY ((continued:)) He heard with pleasure that cheer from the hon. gentleman, and hoped that it was in approbation.<sup>104</sup>

MR. INSP. GEN. HINCKS rose and said that the hon. gentleman was mistaken



as it was not the intention to apply tavern licenses to this purpose at all.<sup>105</sup>

COL. GUGY said that he had drawn the cork, and the hon. gentleman had supplied the answer. He (Col. G.) was glad to hear him answer a question, as it made the silence of Ministers on questions of greater importance, more significant. He asked if they intended to apply the Marriage License Fund to that purpose. He would show that this would be a violation of the consciences of Protestants, as the greatest part of that fund came from the pockets of Protestants. He knew the country, and he stated that, at the time of the Rebellion, the Protestants were to a man loyal, and the Catholics rebels. He did not say this to make any imputation against the Roman Catholic religion. It would be against the conscience of Protestants that that money should not be applied to a more holy purpose than paying those who made war against the Queen. That was not a question first mooted by him, but by fathers of families who had requested him to state that fact in the Legislature? He asked why Catholics should not pay similar sums. He knew that they were in possession of large revenues from similar sources, and why not put them on the same footing? Why should those be paid for evils which they had caused themselves? He took it to be an imposition on their manhood. He put it to the hon. member for Richelieu, (Dr. Nelson.) He knew the incidents increasing to collision. He knew that though fire was a good servant, it was a bad master, and that when he made his house a Castle, it must bear the effects. They should reflect that Eastern Canada was not exclusively inhabited by French Canadians. Those English inhabitants were patient, and would be slow to rebel; but say when you tax them exclusively for this purpose will you not goad them?--Would they tax that class to pay those who rebelled, or would they tax both, to pay those who did their duty? The hon. member (Mr. Hincks) had sneered at those who were called loyalists. The hon. gentleman had adverted to a letter of Mr. Daly's and his remarks to say the least were disgusting. Meetings may be held in Montreal, and had been held in other parts of the country. The sneering allusions to these by the hon. member for Oxford, had but little grace. He paid the people a poor compliment when he told them that they could be misled. He knew well that they could be misled long. The hon. gentleman had shown, for want of a better expression, he would say the cloven foot. While he put his hand in his pocket to pay his enemies he took this opportunity of sneering at his friends. He (Col. G.) was desirous of addressing the House in French, but he believed that he should best consult the convenience of hon members by deferring it till he might have an opportunity of speaking on the amendment. If the country be taxed at all for paying those claims, let the tax be a local one. It would be unjust to tax Upper Canada for the Rebellion of Lower. Let the locality pay the expenses. He supposed names famous at the period would go down the stream of time; they would have Gen. T. S. Brown immortalized in future history, and Girouard no doubt duly commemorated. That Rebellion had been a long time pondered upon, and formed part of a long concerted plan to sever the connexion of this country from England. He stated a fact that he had overheard in the lobby of the House of Parliament in Quebec. He had not felt himself at liberty to mention it before as he had over-heard it unintentionally, and before he was done felt it his duty to make it known that he was there. He there had heard a member of the House telling another member of that house how the Queen's Forces were to be allured to the south side of the St. Lawrence, and then how to be dis-

posed of. He commended (sic) it in the most particular manner to the Ministry. He would go further and say, that he saw a list in the city, showing how certain persons and their property were to be disposed of. He protested against paying those men as an act of atrocity (sic). It was a matter involving the royal honor. He trusted that he had said enough, and that he had expressed his opinion in such a manner as not to wound unnecessarily the feelings of any member of the House. He hoped that he had not been misunderstood in the expression of his sentiments. He would never change them--never! never! never.<sup>106</sup>

DR. NELSON.--M. l'Orateur.--Je ne pensais pas prendre la parole sitôt dans cette discussion; mais les accusations aussi injustes qu'injurieuses qui ont été lancées contre moi par les hon. membres pour Frontenac et Sherbrooke, me mettent dans l'obligation de les repousser de suite; me réservant, toutefois, le droit de ne (sic) lever de nouveau, si je le juge nécessaire. Je serais, et avec justice, accusé de lâcheté morale et physique, si je ne rejetais pas avec indignation les assertions faites contre moi et le pays.

Il est vrai qu'il y a certains événements, dans les troubles de 1837 et 38, que je déplore infiniment. Mais l'attitude que j'ai assumée alors, m'a été impérieusement imposée par les circonstances; et j'aurais été impliqué de jouir des droits et privilèges d'un sujet anglais, si je n'avais pas repoussé l'attentat porté à ma liberté et à ma vie. Quel était mon crime à cette époque? Il était d'avoir été appelé par la voix unanime de six comtés, des plus distingués par l'intelligence et le patriotisme de leurs habitants, à présider à une assemblée, convoquée dans le but de se prononcer sur l'état actuel du pays. A cette réunion nous passâmes des résolutions, bien fortes et franches, à la vérité; mais, toujours, sans passer les limites de nos droits et des lois.

On ne pouvait donc, tout au plus, m'accuser que de pratiques séditionnelles, ainsi que tous mes amis qui prirent part aux procédés de cette assemblée. Et devant des tribunaux impartiaux, cette accusation serait tombée sans effet. Je n'avais rien à appréhender d'une poursuite, bien que l'on dût craindre de paraître devant les tribunaux d'alors, lorsque l'esprit de parti ne s'y faisait que trop sentir, et lorsque l'on connaissait la corruption dont on usait dans la formation du corps du jury. Il n'y avait plus de protection pour quiconque manifestait des sentiments libéraux. Les magistrats, s'ils n'agissaient pas ouvertement en partisans; du moins, conjointement avec les autres autorités, ils permettaient toutes sortes de violences et de crimes. Est-ce que nos oppresseurs n'avaient pas détruit la maison de M. Louis Perrault, à Montréal, ainsi que les presses du Vindicator, journal publié en cette ville? Ne menaçaient-ils pas de prendre des citoyens à leurs fenêtres? L'outrage et la violence étaient à l'ordre du jour; il n'y avait de sécurité que pour les ennemis de l'ordre, du pays et de la constitution. Plusieurs personnes, afin de sauter leurs vies, furent obligés de s'enfuir à la campagne. C'est alors que commencèrent les arrestations. On a envoyé, au milieu de la nuit, des volontaires briser les portes et enlever de leurs demeures, mes respectables amis, M<sup>r</sup>. Desmarais et Davignon. Ils firent tout ceci sans warrant, et sans aucune forme de loi. On a même mis les fers aux mains, et aux pieds de ces braves (sic) citoyens, comme pour augmenter l'injure et l'insulte. Ils eurent aussi l'horrible cruauté de leur mettre des cordes au cou; et ainsi, ils les emmenèrent à Montréal, en triomphe, et passant par les voies



les plus fréquentées, pour humilier d'avantage ces messieurs et en même tems leurs compatriotes. Et qui était chargé de cette exécration mission? Ce furent les volontaires de Montréal, les partisans furieux du gouvernement tyrannique du jour. Mais leur gloire devait être de courte durée. Une poignée de braves, rencontra cette horde effrénée dans le chemin de Longueuil, et lui firent prendre la fuite, laissant entre les mains des vainqueurs, les victimes de l'oppression. C'est ici que fût tiré le premier coup de feu, et non à St. Denis, comme l'a dit mensongèrement, le membre pour Sherbrooke. Cette transaction odieuse des autorités nous a convaincu de suite, de ce que nous devions attendre de l'administration déréglée d'alors. C'est pourquoi j'ai dit au petit nombre d'amis et de bons Canadiens qui m'entouraient, à St. Denis, qui si l'on venait m'arrêter selon les formes voulues par la loi, j'étais tout prêt à me livrer, mais que je ne consentirais jamais à me laisser enlever de force et charger de fers et de cordes.

L'hon. membre pour Sherbrooke dit faux, lorsqu'il affirme qu'il avait été expédié des warrants pour mon appréhension et celle de plusieurs autres personnes. Les troupes se dirigèrent sur St. Denis, et la première sommation que l'on daigna nous faire, fut un boulet qui tua trois de mes amis. C'est alors, seulement, que je donnai ordre de faire feu, et nous nous défendîmes de notre mieux, persuadés, que nous étions, que l'ennemi en voulait à notre vie. J'ai dit à mes amis, au commencement de la bataille, que je ne désirais forcer personne à me défendre; mais que ceux qui resteraient avec moi, seraient obligés de faire leur devoir, et tout le pays connaît comment ils s'en sont acquittés. Ma conduite, dans cet engagement surtout, m'a valu l'honneur du siège que j'occupe actuellement en cette chambre. Mes généreux constituans et anciens amis ont dit: "Il ne nous a pas abandonnés, il ne nous a pas trahi; il a droit à toute notre confiance." Le membre pour Sherbrooke, (M. Gagy) prétend que mes propriétés ont été détruites lors du combat. Il n'est plus véridique ici qu'ailleurs. Dix jours révolus après le combat, la paroisse de St. Denis et celles qui l'avoisinaient, étaient dans la plus profonde tranquillité; et moi-même, avec un petit nombre d'amis, nous cherchions à laisser le pays, pour trouver à l'étranger ce repos et cette paix qui nous étaient refusés dans notre propre patrie. De ce fait, le commandant des troupes, à sa seconde expédition sur St. Denis, fût assuré par plusieurs des habitans les plus respectables de l'endroit, qui se sont volontairement constitués otages pour preuve de la vérité de leurs assertions; ajoutant, que nous n'étions pas en embuscade, comme paraissait le penser le commandant. Or, M. l'orateur, c'est lorsque St. Denis était dans la plus profonde paix; sans l'ombre de possibilité que le trouble fût renouvelé; et sans le moindre prétexte, on a mis la torche en feu à mes maisons et autres bâties, et on a détruit des biens au montant de £23,000, dont près de £11,000 appartenaient à d'autres personnes, parmi lesquelles étaient plusieurs toriers, qui savaient tous que j'avais les moyens de les payer. La balance, (£12,000) était le fruit de trente années d'épargnes et d'industrie assez heureuse. C'est ainsi que l'on a détruit, avec une barbarie sans exemple, les dons de Dieu à l'homme.

En obéissance à la réquisition de sir Charles Metcalfe; j'ai présenté un tableau de mes pertes, et de celles de mes créanciers. Et qu'il soit notoire que l'on a tenté, à mon retour en ce pays, de m'empêcher d'entrer de nouveau dans la vie publique, et surtout de faire opposition à l'administration de sir Charles Metcalfe, en me donnant à entendre que dix milles louis seraient le prix de mon silence. J'ai repoussé avec indignation,

les propositions qu'en me faisait alors, disant que je ne voulais pas rendre ainsi mes sentiments et mes principes.

L'opposition, en cette chambre, paraît fort étonnée de ce que mes pertes soient remboursées. Que les honorables membres ici apprennent: que tout le pays sache, que si, de demander ce qui m'est légitimement dû, peut le moins du monde être injurieux aux intérêts de mes créanciers, et de tous ceux qui ont éprouvés de fortes et cruelles pertes, je ferai volontiers le sacrifice de mon droit, et retirerai de suite mon application; car je serais pour jamais malheureux, si je pensais faire tort à tant de bonnes personnes, parmi lesquelles, il y en a, peut-être qui sont en plus grand besoin que moi-même. Je remercie Dieu, et ces bons et honnêtes citoyens de Montréal qui m'ont si bien encouragé depuis mon retour au pays, que je puis vivre respectablement par mes travaux professionnels. N'ayant jamais prétendu au luxe et au haut nom, je puis maintenir ma famille avec aise, sans secours d'autre part. Je suis revenu pour passer le restant de mes jours sur le sol de ma naissance, et je suis arrivé en cette ville avec la fierté et la dignité d'un homme qui n'avait pas honte de sa conduite passée. J'étais dénué de tout, assez avancé en âge, et ayant une forte famille à élever, mais, je possédais l'énergie d'un homme qui désire vivre par son travail; vivre indépendant, et sans secours ni charités d'autrui. Je vivais bien, et j'étais estimé, sur la terre, où je fus accueilli avec tant d'hospitalité et de bienveillance, mais je suis revenu au Canada, parce que j'avais le droit d'y revenir, et de jouir de tous les privilèges d'un sujet anglais.

Maintenant, je ferai part à cette honorable chambre d'une lettre qui moi et sept de mes amis et compagnons d'exil, avons écrits au lord Durham, après plusieurs entrevues avec un monsieur, délégué par lui, pour s'entendre avec nous, car Son Excellence lord Durham désirait nous faire éviter des procès qui, il le savait, ne seraient pas équitables,--et qui ne pourraient qu'agiter le pays.

Montréal, Nouvelle-Prison,  
18 juin 1838.

MILORD,--Vous êtes venu parmi nous avec le caractère non d'une classe, non d'un ordre, mais avec un caractère public qui vous est propre, un caractère qui vous donne droit à notre confiance, et nous vous la donnons toute entière. Ne vous imaginez pas que nos esprits sont subjugués, parce que nos personnes se troublent sous le verroux et que nous cherchons par d'ineptes compliments, à nous concilier la faveur. Nous ne voudrions pas solliciter, ni ne sollicitons, d'une manière indigne de nous l'intervention de votre clémence à notre égard. Nous appartenons à la patrie, et faisons de bon coeur le sacrifice de tout ce qui nous est personnel sur l'autel de ses libertés.

Nous nous sommes rebellés, milord, mais que cet aveu ne vous étonne pas, nous sommes rebellés non contre la personne ou le gouvernement de Sa Majesté, mais contre l'administration vicieuse du gouvernement colonial, et nous en attendons les suites, à nous la peine.

Votre avènement, survenu plutôt, eût été béni; il le sera encore. Si nos efforts ont été la cause de votre avènement, nous avons réalisé ce que nous désirons, le bonheur de notre pays, et nous ne murmurons pas.

Fussiez vous arrivé plutôt, le mauvais gouvernement eut cessé; la justice aurait triomphé; les lois auraient été administrées avec fidélité et impartialité, les griefs redressés, et nous aurions eu le bonheur de



voir un gouvernement jouissant tout à la fois de la confiance et de l'affection de tous.

Nous fîmes des remontrances, on s'en moqua. La presse nous abreuva d'insultes et de calomnies; l'invective était épuisée; on nous poussa au désespoir et nous nous trouvâmes avec l'alternative ou de montrer que nous manquions de cœur pour repousser l'injustice et de nous soumettre comme peuple à l'esclavage et à l'opprobre. Nous prîmes les armes, non pas pour attaquer les autres, mais bien pour nous défendre nous-mêmes. Le gouvernement a-t-il d'abord supprimé ou tenté de supprimer le mal? Non! S'il n'encouragea pas, il toléra au moins la tentative. Nous ne dirons pas nous ne penserons pas moins, dans quel but il en fut ainsi. Le pays devient excité, le peuple malheureux est prêt à tout faire.

Le comte de Gosford, par sa proclamation, invita à rentrer dans leurs foyers des citoyens qui avaient fui. Les magistrats donnèrent-ils effet, ou s'efforcèrent-ils de donner effet à ses vues bienfaisantes à cet égard? Non: le piège était dressé, des mandats d'arrestation ne furent-ils pas lancés indistinctement contre tous ceux qui avaient demandés (sic) le droit inhérent de sujets britanniques, de discuter le mérite des hommes et des mesures publiques? Ainsi, mylord, nous fûmes poussés à la résistance, non moins par les autorités que par la violence de cette classe du peuple qui nous était posée en politique. Nous voulons bien, toutefois, oublier et pardonner.

Vous venez ici avec des pouvoirs sans bornes, avec des vues larges, avec un honneur sans tache. Puissant dans les conseils de votre pays et du nôtre, votre voix peut parvenir au trône.

Ardent, vous même, à favoriser la liberté civile, vous pouvez sympathiser avec un peuple animé par le même principe, mais ne jouissant pas des mêmes avantages. Nous ressentîmes et déplorâmes la violation de notre constitution. Nos efforts ne visaient pas à l'indépendance; nous voulions maintenir ici le vrai esprit de la constitution et de la liberté britannique.

Nous ne désirons pas détourner l'attention de votre siegneurie des grands et glorieux objets de votre haute mission. Nous ne vous occuperons pas de supplications pour nous-mêmes; et nous ne voulons pas, milord, gêner vos démarches en cherchant à éviter notre sort. Nous voulons bien ne pas insister sur les formalités d'un procès convaincus que nous sommes de l'impossibilité d'obtenir dans cette conjecture un tribunal impartial devant lequel nous n'aurions rien à craindre. Nous désirons tranquiliser les esprits d'un peuple généreux et confiant. Nous demandons de contribuer ainsi à établir l'ordre et la paix. Nous n'implorons pas pour nous, la clémence. Nous ne choquerons pas votre âme grande et généreuse par un quel acte incompatible avec la dignité d'homme. Nous avons des biens, milord, qui nous rendent la vie aussi chère qu'à votre seigneurie; et cependant nous ne pouvons ignoblement invoquer votre sympathie.

Comme dernière prière toutefois, nous vous supplions de rendre à la liberté et à leur patrie le reste de nos infortunés co-sujets prisonniers, aussi bien que de rappeler les fugitifs dans la conviction où nous sommes que tous seraient prêts à verser jusqu'à la dernière goutte de leur sang pour défendre tout gouvernement qui saura apprécier et maintenir les droits des sujets, quelque soit leur éloignement du siège de l'Empire.

Dieu, nous l'espérons, comblera de succès votre mission pacificatrice; nous désirons qu'adorant un même Dieu, le peuple devienne, un même peuple; et imitant l'exemple de votre seigneurie, en répudiant comme nous l'avons fait de tout le temps, toutes distinction d'origine, nous espérons, qu'à

l'avenir nos vœux, comme jusqu'à présent, nos efforts, soient couronnés de succès.

Nous souhaitons, milord, que vous soyez reconnu comme le sauveur de notre patrie déchirée, et que vous jouissiez longtemps du bonheur domestique dont le sort nous prive.

Nous invoquons Dieu de répandre sur votre seigneurie ses bénédictions; et s'il y a quelque chose de coupable dans de hautes aspirations, nous avouons cette culpabilité et nous nous déclarons coupables. (Signés)

WOLFERD NELSON.  
R. S. M. BOUCHETTE,  
BONAVENTURE VIGER,  
S. MARCHESSAULT,  
H. A. GAUVIN,  
T. GODNU,  
R. DES RIVIERES,  
L. MASSON,

Au Très-Honorable, le Comte de Durham.  
Gouverneur-Général, etc., etc., etc.

Tel était le ton avec lequel nous communiquions nos sentimens au Lord Durham; nous parlions ainsi, du milieu de nos chaînes, avec la certitude d'une condamnation si nous parissions devant les tribunaux, dits de justice; et en présence de l'échafaud, dont on nous menaçait journellement. Que l'on dise maintenant que nous nous sentions coupables; que nous étions des lâches, que nous voulions faire des bassesses et que nous avons agi sans principes.

Peut-être, M. l'Orateur, sera-t-il bon que je fasse ici le récit d'une conversation que j'ai eue avec M. Buller, le secrétaire de lord Durham, lorsqu'il est venu nous voir à bord de la frégate, dans le port de Québec, qui devait nous conduire aux Bermudes. Je dis à M. Buller: "Je vous prie de faire part à Son Excellence de ce que je vais vous dire. Mes paroles peuvent être prophétiques; comme celles d'un homme mourant. Je laisse mon pays, probablement pour n'y plus revenir. Dites au lord Durham, que des hommes qui l'entourent sont ceux qui ont entourés et perdus tous ses prédécesseurs."

"Seuls, ils sont la cause de tout le malheur qui pèse actuellement sur le pays. Seuls, ils souffriront, si une meilleure administration saisit les roues du gouvernement. Ils ont ruiné tous ses devanciers, et je crains bien fort, qu'ils aient déjà trompé lord Durham, que je regarde comme le gouverneur, le plus habile, le plus politique qui soit jamais venu en ce pays. Ils voudraient vous cacher la vérité; ils déploient toute leur finesse pour vous empoisonner l'esprit contre tous les hommes honnêtes et distingués du pays; pour exciter vos préjugés contre eux. En vous cachant la vérité, ils espèrent perpétuer, à leur seul profit, les outrages dont ils ont si abondamment désolé le pays. Il nous est parvenu, en prison, une lettre venant de Québec, qui nous assurait que Son Excellence allait de suite, proclamer une amnistie générale; qu'il allait faire ouvrir les portes des prisons, et faire un noble, un grand appel à tous les habitans du pays, sans égard à la politique, à l'origine, ou à la croyance de quiconque. Il leur dirait: "je viens avec la branche d'olive, proclamer la paix, établir la concorde et l'harmonie; et tous ensemble nous travaillerons pour assurer le bonheur et la prospérité du Canada!"

Je fis part de ces nobles manifestations à mes frères prisonniers, et la plupart avec des larmes aux yeux, et tous avec la plus vive expression



de gratitude, s'écrièrent: "Oui nous montrerons à cet excellent gouverneur que nous ne combattons que pour la justice et nos droits." Oh, que c'était un beau spectacle, que de voir de si nobles paroles prononcées par des centaines de braves Canadiens, et pères de famille, dont les visages rayonnaient des plus beaux traits de l'humanité! Eh bien! monsieur, dans le court espace de 24 heures, ces vues larges, sages et bienveillantes furent étouffées par les conseillers du lord Durham. Il cherchaient la vengeance; il leur fallait des victimes; et lord Durham, ne connaissant ni leur méchanceté, ni la petitesse de leur influence, fût trompé et perdu. Puisqu'il leur fallait des victimes, sept de mes amis, et moi-même, nous nous sommes offerts en sacrifice, sur les autels de notre patrie; mais ce grand homme est tout-à-fait perdu, et ne retirera aucun avantage de sa politique ni de notre obnévation." Cette entrevue, M. l'Orateur, parut faire une profonde sensation sur M. Buller, et les exilés aux Bermudes ont eu toute raison de croire que le noble lord n'a pas été indigné de nos expressions et de l'élévation de nos vues.

L'hon. membre pour Sherbrooke nous a dit qu'il s'était trouvé, par accident, soyez-en certain, dans une retraite de la chambre d'assemblée, à Québec, il y a bien des années; et que là il entendit deux membres canadiens s'expliquant mutuellement leurs projets d'attaque contre le gouvernement, qu'ils espéraient renverser! Leur tactique se résumait en ceci: ils devaient attirer l'attention des militaires sur le Sud de la rivière, tandis qu'ils feraient la guerre au Nord! Mais, l'hon. membre, par une impulsion de délicatesse, passablement singulière, ne voulant pas en apprendre d'avantage, fût connaître qu'il était près! Il en (sic) voulait pas, pour tout au monde, faire le métier de délateur alors, ni depuis! Loin de lui, de vouloir s'insinuer dans les bonnes grâces de quelque étranger audacieux; lui arracher ses secrets, et les communiquer ensuite! Pourtant il était au plein de sa loyauté alors! Il devrait nous exposer cette trame des deux membres, loyal qu'il est!<sup>107</sup> He (Dr. N.) was not cognizant of any scheme of the Rebellion which subsequently broke out, nor was he aware of any plan of resistance before the Rebellion.--It was not till after gentlemen in Montreal had been seized, and warrants had been issued against others in St. Johns, that resistance was resolved upon. The object of the honorable members was to excite the people of Upper Canada, for the purpose of terrifying the Government, and to influence the Constituencies to over awe that honorable House from deciding upon the question before it, but he thought it would comport most with the dignity of the House to go on with the Resolutions.<sup>108</sup> Je dis encore, que l'on ne fasse aucune attention à ma proclamation; qu'on ne me donne un seul sou; si, en faisant ceci, on ne peut rendre justice aux justes demandes de tant d'autres; qui, peut-être, souffriraient beaucoup plus que moi par cette privation. Mais si on m'applique le mot "rebelle," que l'on sache que je n'ai jamais été rebelle à mon bien, et à la première loi de la nature, qui nous ordonne de résister à l'injure et à la tyrannie, quand les lois ne peuvent plus protéger, il faut se défendre soi-même. Quoi, serait-ce être rebelle que l'on demande constitutionnellement ses droits, et que l'on oppose la résistance à leur violation? C'est ici une doctrine de tyran, très propre à être réléguée à des esclaves. Que l'on nous donne jouissance de nos privilèges de sujets Britanniques; que nous ayons franchement et ouvertement la possession de attributions civiles et politiques, LE GOUVERNEMENT RESPONSABLE et mes confrères d'exil, moi et les Canadiens nous serons toujours prêts à repousser toute invasion de notre pays, par une puissance

étrangère. Si, malheureusement, notre patrie devenait impliquée dans une guerre avec nos voisins; une calamité dont, j'espère, la providence saura nous préserver, je déclare que nous serons prêts à protéger nos foyers. Je ne dirai pas d'avantage en ce moment, car, sans doute, j'aurai encore à me défendre, et à me justifier.<sup>109</sup>

SIR A. MACNAB put the hon. member for Richilieu (sic), who had just sat down, in mind<sup>110</sup> that on the occasion to which that hon. member had alluded<sup>111</sup> that he had barricaded his door, and that people who went against him were commanded by the Queen's representatives to put him down. He thought that there was much good about the hon. member, but on that occasion he was a rank rebel. He had fired on the Queen's troops, and upon the steamer coming up the river; he had perilled his life and fortune in sustaining opinions which he boldly asserted in defiance of the law, and he failed.<sup>112</sup>

DR. NELSON said there was no law then.<sup>113</sup>

SIR A. MACNAB said that, that was a period, that he did not recollect in the history of this country. The hon. gentleman notwithstanding his resistance had got the worst of it.<sup>114</sup>

MR. CAUCHON said, that they had got the best of it.<sup>115</sup>

SIR A. MACNAB.--Yes, they had got the best of it. (Laughter.) He had very often received interruption from that hon. gentleman, on this occasion he thanked him for it. He (Sir A.) would put the question to the hon. gentleman himself (Dr. Nelson,) had he not been a rank rebel?<sup>116</sup>

DR. NELSON said, not to his God.<sup>117</sup>

SIR A. MACNAB, no; but against the hon. members (sic) country, against his oath of allegiance, and the laws of his country.<sup>118</sup>

MR. MORIN the SPEAKER Address the chair.<sup>119</sup>

SIR A. MACNAB turning to the Speaker said, he would address the chair, but he had observed an honourable gentleman on the Treasury Benches, (Mr. Hincks,) turn his back to the chair, for an hour together; but he (Sir A.) supposed of course that he, (the Speaker,) had not seen him. He had gone through a great deal in his political life, and had seen strange proceedings in this country, but he never had been called a rebel until that night he had been called one by the hon. Inspector General, and by Her Majesty's government, which accused him and his friends of getting up the rebellion. He threw the charge back in their faces, and unhesitatingly said, that whether he spoke in Parliament or out of Parliament, the assertion so nearly approached a falsehood, that he would call it a falsehood wherever it was made, or whoever made it. (Cheers and sensation.)--He could tell the hon. gentleman opposite, that gentlemen on his side of the house were not to be called rebels for the manner in which they had acted at the Queen's command. They had been called to arms by the Queen's authority, to put down a rebellion raised by gentlemen not now necessary to be named<sup>120</sup>. He knew, that loyalists acted under great disadvantages; he knew that four years ago the Queen had thanked those persons who had perilled themselves in most difficult ((ways)).<sup>121</sup> But he had also seen rebels tried and convicted, and he had seen rebels returning from Transportation, and the best place in Montreal given to a man who was engaged in the rebellion, and that too while there was an applicant who had given his own services, and



also of the<sup>122</sup> three steamers of which he was then the proprietor.<sup>123</sup> Now he asked the hon. gentlemen opposite why did they not come out boldly and say, that those men were not rebels, and were not culpable at all, although the wisdom and justice of law had pronounced them rebels, every man of them. A great deal had been said about Lord Durham.<sup>124</sup> Now, he would tell the House that there was not a sensible man in the Province who did not look upon<sup>125</sup> Lord Durham's government in a manner which he would not care about giving expression to.<sup>126</sup>

MR. MORRISON, what did he think of Sir F. Bond Head's government.<sup>127</sup>

SIR A. MACNAB said, that if any common soldier had deserted his post, as Lord Durham had done his at Quebec, and run away at the first appearance of danger he would have been court martialed and shot<sup>128</sup> as a deserter.<sup>129</sup>

MR. SOL. GEN. BLAKE, what do you think of Sir Francis Head.<sup>130</sup>

SIR A. MACNAB would tell the hon. gentleman what he thought of Sir Francis Head; he thought that he was an honest man, that he had faithfully done his duty,<sup>131</sup> had received the approbation of the best men in England<sup>132</sup> and ... was approved by the home government who made him a Baronet; and that he had been sacrificed; he thought that he had pursued the course which had been afterwards pointed out in the instructions to Sir George Arthur--and though he did not please men in this country, there was not a man in England who did not think he was an honest man. An hon. gentleman at the other end of the building, who had acted a conspicuous part, and who was said by the hon. member for the North Riding to be universally respected, had presented an address to Sir F. B. Head. He (Sir Allan) had that address in his possession, in his own hand writing. That hon. gentleman had shed tears at his departure, and said that the Queen of England did not know the evil she inflicted on this country nor the loss Her Majesty was sustaining.<sup>133</sup>

Ironical cheers and interruptions from the ministerial benches.<sup>134</sup>

SIR A. MACNAB told hon. gentlemen to go on. Those were interruptions which hon. gentlemen on his side of the house were quite accustomed to. The hon. gentleman (Dr. Nelson) had complained that a summons had not been sent to him, nor to the other persons at St. Johns. Did he not know it was the custom to take up people guilty of such crimes without summons?<sup>135</sup> Let that be as it might, he wanted to know<sup>136</sup> why were the people of Upper Canada to be called on to pay for the fighting in Lower Canada? What had they to do with the fight at St. Denis?<sup>137</sup>

DR. NELSON, we have paid your debts.<sup>138</sup>

SIR A. MACNAB denied it. The Upper Canada losses have been paid<sup>139</sup>. The Upper Canadians had paid their own losses<sup>140</sup> from the Tavern Licenses of Upper Canada. Well, to be sure<sup>141</sup> they had paid the loyal<sup>142</sup>, they have not paid their rebels, they had not paid McKenzie, nor Montgomery, nor Gibson, for their losses. But he would correct himself, they were in course of paying Gibson for he understood he was now employed by the present government, and was receiving his five dollars a day<sup>143</sup>, \$4 or \$5 per day, so that he perhaps ought to be considered as paid for his trouble.<sup>144</sup> The people of the city of Toronto would understand from this appointment, how much their feelings were considered and their loyalty

valued. The people of this country were sensitive, and<sup>145</sup> had shown that they were brave<sup>146</sup> and would show that they knew their rights.<sup>147</sup> But this he would say, that it would be a disgrace to Great Britain if the colony were lost by disgusting those men who had already saved it.<sup>148</sup> He asked for time for the present measure to be considered, and it could be shown that loyal men had suffered, he was prepared to<sup>149</sup> lend his assistance to pay them.<sup>150</sup> If the Church of St. Eustache had been burned, and it could be proved that the people who owned it, had not taken part in the Rebellion, he was not prepared to say that he would not be willing to pay it<sup>151</sup>, but he would never consent to reward ((rebels)).<sup>152</sup> The loyal people of Upper Canada had lost money by the rebellion, they had lost time, and many had lost their dearest friends, and he himself had to deplore the loss of some of the friends of his early life<sup>153</sup>, young men full of honour, and warm with affection<sup>154</sup>, who had been hurried to their<sup>155</sup> premature graves<sup>156</sup> by diseases contracted in defending the country against the rebels. Had the loyalists of Upper Canada no feelings?<sup>157</sup> no affection?<sup>158</sup> He could not give full expression to his contempt for a government which called those people rebels. Were they to be told by the government to-day that they were rebels? He could not say how much he despised it. The government had come and called upon men to arm in defence of their country<sup>159</sup> to put down an unnatural rebellion<sup>160</sup>. Well they have put the rebels down<sup>161</sup> but they are now up again in the majority, and<sup>162</sup> now it suited the convenience of government to turn round upon these men who had risked their lives and property, and call them rebels, and not only so, but called upon those very men to pay the losses the rebels had sustained in the struggle.<sup>163</sup> (Laughter.) Hon. gentlemen might laugh; but<sup>164</sup> he took God to witness that he never would pay them.<sup>165</sup>

COL. PRINCE.--They would die first.<sup>166</sup>

SIR A. MACNAB said that the Government would have paid him £500 to blow out the brains of the hon. member for Richelieu, and lots of money had been offered for the heads of others. They would now reward him for his rebellious conduct with £23,000. But the Ministry and the majority at their backs were now to tell the people of Upper Canada that they must pay for those losses. Did the hon. members for Lower Canada feel the same contempt that he did for that government, which would have<sup>167</sup> shot the loyalists of Upper Canada by court martial<sup>168</sup> if they had not responded to the call? and if they had not put down the rebels? and which now desires them to pay their losses? He asked the hon. member for Montreal, the gallant Colonel of those days, if he ought not to contribute his two years' colonel's pay to this magnificent object.<sup>169</sup>

MR. HOLMES said that he never received any pay. (Laughter.)<sup>170</sup>

MR. MORIN the SPEAKER said there were interruptions in the gallery, and if continued, they knew the course.<sup>171</sup>

SIR A. MACNAB continued: Then the hon. gentleman was a true Irishman, and fought for love. He knew the hon. member for Kent had<sup>172</sup> also done his duty well and bravely in Upper Canada; but he did not think that made the hon. members (sic) argument anything stronger.<sup>173</sup> The feeling on his side of the house was to do justice. Hon. gentlemen say that they are very much afraid the people of Upper Canada don't understand the matter. He applied to hon. members opposite to say whether they were so well acquainted



with the matter, that they could receive no benefit from the advice of their constituents? Was there any reason why they should not give an opportunity for such information to reach them? He could tell gentlemen opposite that they feared the people of Upper Canada so much that they would not give them time to allow them to express their opinions on that subject. The administration had a great majority in that House; why were they pre-determined to hurry on the decision of the question. Did they think themselves too wise to learn from the ignorant people of Upper Canada?<sup>174</sup> Was it not right that the people should have an opportunity to express their opinion?<sup>175</sup> Did they ever see any matter of consequence passed through the English house of Commons, in such a hurried manner? No. There a measure was introduced, and if of importance, was moved on by easy stages. But the present Ministry<sup>176</sup> had a majority; they<sup>177</sup> introduced bills of the highest importance to-day, and<sup>178</sup> would force it on, and in two days it would become law.<sup>179</sup> Could the hon. Attorney-General West show any precedent for such a proceeding?<sup>180</sup> In all the revolutions of history, no example of such an occurrence as this motion could be found.<sup>181</sup> There had been rebellions in England, rebellions in Ireland, and rebellions in Scotland, and never had the people been called upon to pay for the losses of the insurgents. He would read the preamble of the Act relative to the rebellion of 1698. (The hon. gentleman here read from the Act.)<sup>182</sup> No precedent for it; and what struck him as remarkable was, that the<sup>183</sup> representative of the Queen<sup>184</sup> did not stand by the loyal men<sup>185</sup> just as boldly and unblushingly as the present Government supported the rebel party? The Upper Canadians had stood by their Queen in the day of danger and difficulty; they had obeyed orders, and they had been cast adrift; they were told that they were in the minority, and ought to be in the majority. When the Inspector-General had called him a rebel, he felt that if he had been, it had been in common with every brave and loyal man of the legion who went with him to Toronto. He (Sir Allan) had been at the head of the loyal and gallant people of Upper Canada? and they had received the thanks of the Queen; they had been thanked by Parliament,<sup>186</sup> the Upper Canadian Legislature, ... every Colonial Legislature,<sup>187</sup> and received that of which every brave and honest man might be proud of; and was he to be called by the Inspector-General, the adviser of the Governor, with being a rebel? A member of the Government which that day, before the country, justified the rebellion!<sup>188</sup>

MR. INSP. GEN. HINCKS said that he had not so charged him.<sup>189</sup>

SIR A. MACNAB supposed the gentleman felt that in his position he ought not to have made that charge<sup>190</sup> and flinched from it. He (Mr. Hincks) ought not to have made the charge.<sup>191</sup> However, he had certainly said that he (Sir Allan) had brought about the rebellion, and had justified the rebellion. That was the language<sup>192</sup> of the Government of Upper Canada, and he felt that when that charge was brought against him, that it was applied equally to the people, and every loyal man in the Province. He ought to have hesitated before stigmatizing as rebels the gallant people, whom he (Sir Allan) had lead to Toronto to save it; and well did he remember that the hon. gentleman who now denounced them was not there among them as a loyal man. The hon. gentleman denied that he had applied the term to the whole people, but he (Sir Allan) appealed to the house, whether any other inference could be intended or drawn. That was the language of a man, who took neither side but belonged to the moderate party.<sup>193</sup> He could not help feeling some surprise

at the conduct of the Hon. Attorney General West<sup>194</sup>. He recollected in 1813, when he first came into parliament, on the question of reimbursing the inhabitants of the Niagara frontier, the present Attorney General for Upper Canada objected to it. And if he would take the trouble to refer to the Journals of Upper C., he would find that he had<sup>195</sup> resisted every attempt made to remunerate the brave loyalists of that section of the country who perilled their lives<sup>196</sup> ((and)) who had been disabled in defending the Queen's territory, and the indemnification of families whose head had lost his life in the service. He had then voted against paying these losses; and<sup>197</sup> yet, on this occasion,<sup>198</sup> it did seem strange to him, that he should come down now<sup>199</sup> backed by his Lower Canadian friends<sup>200</sup> as soon as an opportunity arose of paying rebels, to ask Upper Canada to pay the rebels of Lower Canada.<sup>201</sup> If that hon. member would be sufficiently condescending he would like him to point out a precedent for this most extraordinary motion<sup>202</sup>. He asked to be enlightened on the subject, and whether the Att. Gen. could point out to him one single precedent for it. He had used the weight of his influence to drag the Upper Canada members into voting for this measure, by telling them if they did not do so they would resign, and then the Tories would come into power. He asked the hon. Attorney West for a precedent. He paused for an answer. The hon. gentleman was silent, and well he might be.<sup>203</sup> There have been rebellions in England--there have been rebellions in Ireland--there was a rebellion in the British North American Colonies, now the United States, and if any people were ever justified in rebelling, he would say it was the people of those Colonies; and yet, he would defy any man to show a single precedent in any one of those cases to authorize the government to come down at the ... and demand that a set of rebels should be indemnified for ... He had said that the people of the British North American Colonies were justified in rebelling, but could it be asserted that the Canadians had any good cause for rebellion?<sup>204</sup> The hon. Inspector General ... however, ... had justified the rebellion on the ground that the Government had been unconstitutional. Could the loyal party have changed that constitution?<sup>205</sup> Aye, the Hon. Inspector General had stigmatized him, and his hon. friend the member for Toronto, as being the authors of that rebellion, and had justified the Upper Canada rebels, because, indeed, the Government of the day had not given way at the first outset to the doctrines broached by Lyon McKenzie--for he was, in reality, the father of Responsible Government in Canada<sup>206</sup> as fast as the hon. gentleman wished.<sup>207</sup> And what was this Responsible Government<sup>208</sup> which he thought had only lately been established.<sup>209</sup> He would tell them what some of its fruits were.<sup>210</sup> It had been established under Lord Sydenham, for he had carried his elections by brute force, and he had kept his members in Parliament so long as they suited him. But what had been the effect since Mr. Baldwin had come into office? What was it? Mr. Justice Smith had been an Executive Councillor, and ... after serving as Attorney General for two years<sup>211</sup> was placed beyond the reach of that House, except by impeachment<sup>212</sup>. For that important service he had received a permanent office of £1000 a year. Then there was also Mr. Justice Draper, who was also an Executive Councillor, as soon as a Judgeship was vacant, he, like a sensible man, had likewise secured his £1000 a year, and before he had an opportunity of defending his policy.<sup>213</sup> Next followed Mr. Justice Aylwin who, having served the public during four or five Parliaments, and proving himself a chiseller of the first order,<sup>214</sup> his brother chisellers had done for him by chiselling him into another Judgeship of £1000 a year--that chiselling letter will



stand both here and in England, as a lasting disgrace to this country, and a monument to the infamy of all concerned. He never had returned to Parliament again, nor could resist the temptation of so good a berth. Then another hon. gentleman, who had been Sir F. Head's adviser, had advised the hanging of Lount and Mathews, had the good fortune to be a member of a Responsible Executive Council, and by his brother chisellers, had also got his £1000 a year. That was four of them. Then came that able talented and very excellent person Mr. Sullivan, who although he never did possess the confidence of the people--possessed talent, and like a sensible man left the responsables for a snug berth beyond the search of responsible government. Mr. Justice Harrison was another, and was to have gone with Lord Sydenham's Council; when a Judgeship became vacant and he like a sensible man preferred going into it, besides several others. So spoke public notoriety of responsible government, and on public notoriety people were condemned now a days. These were the fruits of responsible government, and its advantages were so well understood<sup>215</sup> by the people, that there could not be the slightest doubt about its being in high favour. The Hon. Inspector General himself, he who<sup>216</sup> had been pleased to call him (Sir Allan) and his friends rebels: yes, and the government had dared to say that he and his friends had got up the rebellion. What would the Governor think when he heard that? That the man with whom he was daily closeted--<sup>217</sup> in consultation respecting the interests of the state<sup>218</sup>-- his confidential adviser<sup>219</sup> had called him and those gallant and loyal men who had risked their lives and their fortunes in their country's defence, and who had received the thanks of their Sovereign--rebels?<sup>220</sup>

A laugh from MR. INSP. GEN. HINCKS.<sup>221</sup>

SIR A. MACNAB.--Aye, the hon. member might well laugh it off. He felt he was on the right side; he had the majority with him, but it was a matter of "public notoriety", and public notoriety might convince him as well as others, that he too was about to enjoy the advantages of Responsible Government, or rather to turn his back on it,<sup>222</sup> and get a good situation in Quebec of a thousand a year<sup>223</sup>. All he would say was, that if the hon. member did so, he would not neglect to call to his aid the gallant Col. W. L. Mackenzie, who, having obtained great knowledge of customs matters in the United States, would no doubt, be of singular service to him at Quebec.<sup>224</sup>

Hear, hear, from the Opposition.<sup>225</sup>

SIR A. MACNAB ((continued:)) The hon. gentleman had talked a great deal about what was called the family compact<sup>226</sup> of Upper Canada, and he would say a very loyal<sup>227</sup> and obedient<sup>228</sup> compact it was, for they had not merely received the thanks of their Sovereign, but showed that they had merited that thanks, for it was by their means that Sir F. Bond Head was enabled to send all the troops<sup>229</sup> he had to Lower Canada, to put down the rebellion, for which the family compact men were now to be taxed.<sup>330</sup> And when the time arrived for active service, they stood by him to a man, and saved Upper Canada from a vile faction.<sup>231</sup> They should be careful when they talk about the compact<sup>232</sup>. Still there had been a great deal said about the Family Compact, and he would tell those hon. members, if they did not know it already, that there<sup>233</sup> were other families and other compacts in other parts of the Empire. There were in England families which had pretty good compacts of their own<sup>234</sup>, which out-compacted every compact that had ever been heard of,

composed too of Liberals of the first order, of the Whig families, who had done more for England than any other portion of its population.<sup>235</sup>

Ironical cheers from the Ministerial benches.<sup>236</sup>

SIR A. MACNAB ((continued:)) The hon. gentleman then proceeded to read the names of those members of the Grey family, who held places of emolument under Government.<sup>237</sup> "Though Dr. Grey Bishop of Hereford was dead, and Earl Grey and W. E. Edward Ellice, had retired from office--the Greys still made a tolerable appearance as specimens: there were Viscount Howick, Secretary at War; hon. Colonel Grey, commanding 71st regiment; hon. John Grey, rector of the rich and royal living of Wooler; hon. Frederick Grey, under Secretary of the War Department; Sir George Grey, under Secretary in the Colonial Department; hon. Francis Grey, rector with a valuable living; hon. Harry Grey, Aide-de-Camp in Ireland; hon. Sir Henry Grey, General and Colonel of a regiment in the army; W. Charles Wood, (son-in-law of Lord Grey) Secretary of the Admiralty; W. F. T. Baring, married a niece of Lord Grey, Secretary to the Treasury; Earl of Durham, (son-in-law of Lord Grey) Governor of Canada; Lord Ponsonby (brother-in-law of Lord Grey) Ambassador of Constantinople; W. E. Ellice, jun., (nephew of Lord Grey) Secretary of Lord Durham. There were many more--<sup>238</sup>

Cries from the Ministerial Benches of "Go on," "Read, read."<sup>239</sup>

SIR A. MACNAB ((continued:)) Surely, said he, hon. members had heard quite enough to convince them that that was the greatest compact ever heard of,<sup>240</sup> a compact of reformers, of liberals. If the men who first settled in Canada had assisted their friends, was there ever a compact like the Grey family? Then Lord Durham came out to this country, and had given his name to a report of which they were so proud, that had been written out for him. The Earl of Durham was one of the compact--he came to Canada to give it a constitution, and Edward Gibbon Wakefield, that very clever and noble man came out with him, and the report was his. He had been indicted by a grand jury, of which my Lord Stanley was foreman, of fraud, forgery, and conspiracy; he had been tried, convicted, and sent to Newgate. The Whig Justice of England, in pronouncing judgment, had said that the abodes of guilt had never produced such a monster. And Sir Robert Peel had introduced a Bill into the Commons of England, which passed unanimously, the preamble of which stated, "that whereas Edward G. Wakefield had been convicted for fraud, forgery, and conspiracy." Yet this was the man that had been frequently seen seated at the Governor's table, no doubt to improve the morals of the people of this country. This was the man who came out with Lord Durham, and they were welcome to him.<sup>241</sup> From his pen, ... that famous report emanated, of which the hon. members opposite were so excessively proud, and no wonder for,

"A fellow-feeling makes us wondrous kind."

He it was who concocted that splendid report, and drew out that constitution, with which they all seemed to be so excessively pleased; all he would say was that he hoped they would be benefitted by it and indeed to say truth, they appeared very well disposed to reap some advantage from it, by the motion to place at their disposition £200,000.<sup>242</sup>

A voice--"Not half so much."<sup>243</sup>

SIR A. MACNAB ((continued:)) of which they would no doubt finger a considerable portion themselves. Well, it was doubt without, that the hon.



members were considerably indebted to Mr. Edward Gibbon Wakefield for their darling Responsible Government and he put it to the Hon. Attorney General West, as a matter of generosity, for which he was noted, and of which they so frequently felt the proof on his side of the House, to bring in a vote for a handsome sum of money for his beautiful report, which it was matter of public notoriety, Lord Durham never saw till he was called on to sign his name to it.<sup>244</sup> They ought to send him at least £2000 for a gift.<sup>245</sup>

A voice--He did pretty well in the Beauharnois Canal business.<sup>246</sup>

SIR A. MACNAB.--Yes, he remembered on that occasion it was proved, in Committee, that the British Government offered to associate two Engineers of Experience along with the Provincial Engineer in that work, on the ground that it was as much a military as a commercial work; and Mr. Parent, a Member of the Committee, proposed that the Report should be drawn up accordingly, but he did not know how it happened the Committee could never be got together again. Mr. Moffatt also tried to assemble them, but it was of no use. He did not know what had occurred, nor whether Responsible Government had had anything to do with it or not; but this he did know, that Mr. Parent was soon after appointed Clerk of the Council, with £800 a-year; and Mr. Dunscomb, another Member of the Committee, received an appointment with a salary of £500<sup>247</sup> and the hon. member for Lincoln he believed was about the same time appointed to a situation for which he was exceedingly well qualified on the Welland Canal, also at £500 a year.<sup>248</sup>

MR. PRES. EX. COUN. MERRITT rose to correct the hon. member. His appointment did not take place until a year after.<sup>249</sup>

SIR A. MACNAB thought the hon. gentleman was wrong. However, he found it convenient, on the approach of an election, to resign the appointment, and the only curious thing about it was, that he (Mr. Merritt) had handed the letter to his son to be mailed, and strange to tell, it was not mailed until the hon. gentleman's election was secure.<sup>250</sup> OR SIR ALLAN MACNAB might be wrong. He was not sure, however, about the year after, but he could refresh his memory from the Journals; but leaving that subject, he would revert to the question, to which he had already directed the attention of the House, as it was a matter of some little importance to him<sup>251</sup>. He had asked the hon. gentleman opposite (Mr. Baldwin) to point out a precedent for his present course<sup>252</sup> and he would ask the Government again if they could produce any precedent for the resolution before the House? He must suppose that they could not, or they would have shown it. Well, then he would ask them if the claims handed in by certain parties, who had been also lately in arms against Her Majesty's Government, were the claims they intended to pay? From their silence he must again<sup>253</sup> come to his own conclusions, but he thought it not right.<sup>254</sup> Well, if that was the case, he would say that the hon. member for Richelieu, whose gallantry he admitted as much as any man--(Hear)--was the one who ought pre-eminently to be satisfied;<sup>255</sup> and if any body should receive payment, he would give it first to him.<sup>256</sup> But he must remark, that according to the rules of Parliament, the hon. gentleman ought not to give his vote on the occasion, as it was one in which his pecuniary interests were concerned.<sup>257</sup>

DR. NELSON did not intend to do so.<sup>258</sup>

SIR A. MACNAB continued. He was gratified to hear the hon. gentleman say so. It was what he expected.<sup>259</sup> If he extended forgiveness to any man,

it should be in the first place, to him. They must feel that there was something that all could respect in a man who was willing to brave all for his opinions, and it shewed that he had them at heart. He could admire such a man, and he should be sorry, indeed when the fight was over, after he and his friends had murdered many loyal men, he should so far forget himself as to join a majority, to compel the men who had fought fairly, and beaten him, to pay his losses.<sup>260</sup> He had asked the Ministry repeatedly for a precedent, and they had been unable to furnish one. He would mention one for them.<sup>261</sup> There was a period recorded in the history of Scotland--he did not say that it was true, but that history recorded<sup>262</sup> that the Scottish Parliament sold their King for the sum of £200,000, to the rebels who were in arms against him; and it was a curious fact that the General who conducted the treaty was of the name of Lesslie. That, he repeated, was the only precedent he could discover<sup>263</sup> that loyal men were sacrificed to pay rebels.<sup>264</sup> The truth of it has been denied, but unfortunately it still ((appears)) on the pages of History.<sup>265</sup> He remembered that Cromwell found it necessary a few years after to turn out that Parliament. That was a hypocritical canting Parliament, called from a scoundrel in it "Praise God Barebones Parliament." If ever there was a Parliament with which the English people were disgusted, it was that "praise God bare bones" Parliament. He tried in vain to find another precedent than that.<sup>266</sup> Were hon. members prepared to vote for the resolutions before them on the strength of such a precedent as this? He would ask the hon. members for Upper Canada, who intended to vote for that motion, what their constituents had sent them there for? Did they think for one moment that their constituents sent them down for the purpose of meeting in a caucus, and binding themselves to vote for the Ministry, through thick and thin, lest that Ministry should be obliged to resign, and allow the vile Tories to enter into office once more? Or was it rather that they should do their duty to their country to the best of the ability and judgment that God had given them? It was evident, that they were inclined to the first opinion. What was the use of such men taking their seats in a deliberative assembly? They might just as well, and with as much benefit to the community, have sent down their waist coats stuffed with straw. Was it not notorious that what he hinted at was true? That the supporters of the Administration had held a caucus, where, in order to preserve the Ministry in their seats, they had bound themselves to vote for this measure, under the idea that if they did not do so, the Ministry would be compelled to resign<sup>267</sup> and six or seven were Upper Canadians.<sup>268</sup>

A cry name them.<sup>269</sup>

SIR A. MACNAB.--He would not do that, as it would be personal and unparliamentary. They knew full well who they were. What an insult to their constituencies! What man of honor would permit himself to be so bound? Their constituents expected them to be men of intelligence and to vote by brains.<sup>270</sup> He detested those caucuses, in which hon. members were induced to neglect what they owed to themselves, and to betray the trust confided to them by their constituents.<sup>271</sup> These who did their duty to their constituents would not find it necessary to attend them, to be told that if they did not go with the ministry in this measure those vile tories would come into power.<sup>272</sup> He knew well what their constituents would say to them. They would be told that they had no power to pass such a measure<sup>273</sup>.



He demanded time, but the Inspector General ordered them to hurry on-- the people discussing it, but their opinions were worth nothing. He asked whether the present question had been submitted by the Inspector General to his constituents, or by his colleagues to theirs<sup>274</sup>, or whether they thought that the people knew that the question was to be brought up? He could positively assert that they did not<sup>275</sup>. He took it for granted that the head of the government went with them or he would not have allowed the measure to come down to the House. If he did disapprove of it, he should have dissolved the House, and they would make it the watchword at the hustings.<sup>276</sup> He would tell the Attorney General West what he ought to do. The Hon. Attorney General imagined that he possessed a great deal of influence in Upper Canada, and, by the way, he must tell him that was not the case. He had no wish to annoy the honourable gentleman, but he would repeat he did not possess that influence in Upper Canada which he imagined he had. Was he not defeated in his native city? Was he not defeated in the county in which that city was situated? Was he not defeated at Hastings? And was he not Rimouskied, and with a determination and perseverance worthy of all admiration, obliged to go to Eastern Canada, and thus force himself into his seat by the aid of a French majority?<sup>277</sup> He had now a majority, but at the mercy of French Canadians.<sup>278</sup> But if the hon. gentleman imagined he possessed that amount of influence, which he (Sir A. MacNab) was disposed to deny, why did he not advise His Excellency to dissolve the House--<sup>279</sup>

Ironical cheers from the Ministerial Benches.<sup>280</sup>

SIR A. MACNAB ((continued:))--and give the people of Upper Canada an opportunity of expressing their sentiments with regard to the question, and then return triumphantly to Parliament, with the voice of the people in his favour? He could tell the hon. gentleman that the people of Upper Canada would never submit to pay the losses of Lower Canadian rebels.<sup>281</sup>

Opposition cheers.<sup>282</sup>

SIR A. MACNAB ((continued:)) He did not mean offence to hon. gentlemen of Lower Canada; they had a right to their opinions, but he had also a right to his, and would express them.<sup>283</sup> He did not make that statement rashly; he knew the people of Upper Canada as well as any man, and was as well able to explain their opinions<sup>284</sup>. The measure was distasteful to them. What would they say if (the Upper Canadians) had been placed in the same situation? if they had been Rebels and lost their property, what would they (the Lower Canadians) think if they were called upon by Upper Canadians to make it good?<sup>285</sup> He would tell them, moreover, that there was an opinion gaining ground rapidly in Upper Canada, that, by the truckling of their representatives, they were placed under the dominion of French masters. They were convinced of that fact, by the submission of the Upper Canadian Reformers in the House to French influence, when that influence was adverse to the interests of the people whom they were sent to represent. It so happened, that the Union had completely failed in its object. It had been intended for the purpose of reducing the Lower Canadians to the dominion of the British Canadians--<sup>286</sup>

Hear, hear, from the French members.<sup>287</sup>

SIR A. MACNAB ((continued:))--And the very contrary effect had been brought about. (Hear, hear.)<sup>288</sup> (Laughter.) Yes, now the French Canadians

might laugh to see the Anglo-Saxons beneath their feet. The Upper Canadians had opposed the Union, but Judgeships were the most convenient things in the world. A Judgeship gained one gentleman, and promotion another, and the Union took place. The Upper Canadians were then a strong party, and the French weak, but now the Upper Canadians had to take the Frenchman's shoes.<sup>289</sup> They, in consequence of the alliance of a certain class who were determined to swim with the stream, and parade the quarter-deck, even if the whole were scuttled under their feet, had become the wrong party; and that party, whom it was intended to benefit, were reduced to be serfs of the other<sup>290</sup> and their constituencies might go where they pleased.<sup>291</sup> That was the consequence of that famous Union Act brought about by Lord Sydenham, who, with his Special Council on the one hand, and his places and pensions on the other, proceeded, in spite of all obstacles, to place him and his hon. friends in the exact position he had described.<sup>292</sup> In England a measure of the kind was introduced at an early part of the Session, and passed by easy stages to allow public opinion to be expressed upon it, and be discussed in the Times and Morning Chronicle; but such a course would not do here, it would break up the caucus.<sup>293</sup> But, reverting to the resolutions before the House, he would again ask, on what grounds--on what principle of justice--or under what authority, were the loyal inhabitants of the Province to be called on to indemnify rebels?<sup>294</sup> An Act was passed in the British House of Commons for the indemnification of those persons who suffered loss in the Rebellion of 1798, and none but persons on the loyalist side were indemnified. It was a precedent clearly against the position of the Ministry. Could they adduce one in its favor?<sup>295</sup> If so, they had not thought to produce it as yet. He would next ask the hon. gentleman who had introduced the resolutions, how he could expect that the people of Upper Canada should pay for the Rebellion losses of this section of the Province? There was a trifling bit of a rebellion in Upper Canada; there were claimants for indemnification. Those claims were satisfied; but it was not attempted to charge them on the Consolidated Revenue; they were paid out of the funds of the Upper Province.<sup>296</sup> He would ask the hon. member for Glengarry if he were prepared to vote for the resolution, and what he thought of it?<sup>297</sup> His constituents had a hand in causing the losses now to be paid for out of their pockets. Why, fourteen<sup>298</sup> hundred of them, all "McDonalds" no doubt, and fine fellows they were, came down like their fathers of old, and after doing good service, were so completely tired out that, as he heard, they were obliged to get horses to carry them home. (Laughter.)<sup>299</sup> There was no part of the world so Scottish as Glengarry; it contained 1,800 McDonalds, two-thirds of whom could not speak one word of English, and a gallant set of fellows they were.<sup>300</sup>

Hear, hear. Did they go in their kilts?<sup>301</sup>

SIR A. MACNAB.--He did not know if they came to Lower Canada in kilts or trews, but he had heard they were tired out, and returned on horse-back, and he asked if they were now<sup>302</sup> prepared to sanction this proposition, compelling them to pay for the damage they so readily made at the instance of their Sovereign? He would scarcely believe it, and he could scarcely believe that the hon. member himself intended to vote for it; and he knew well that there were other constituencies in Upper Canada that were as little in favor of it as the constituency of the hon. member for Glengarry. He warned the Ministry of the danger--the Ministry who termed him rebel, although every act of his life had shown that he always exerted himself on the side



of order--he warned them that the course they were taking was likely to drive the people of Upper Canada to desperation, (hear, hear,) and to make them feel that if they were to be ruled by foreigners, (hear, hear,) it would be more to their benefit to be ruled by a neighboring and kindred people, (hear, hear,) than by those with whom they ... interests.<sup>303</sup>

Cheers from the Ministerial Benches.<sup>304</sup>

SIR A. MACNAB ((continued:)) Notwithstanding the Government had told him that he was a rebel; every act of his life showed that he had been in favor of order. If he had followed McKenzie he might have been called a loyal man. During the whole course of his public life he had tried to uphold the integrity of the empire. He had never sought office at the expense of principle, and no matter what might come, he would always do his duty. He might have detained the House too long with these remarks, and he should not have extended them to the length he had done, but for the interruptions he had received. He did not think that it was right, nor just to be forced to vote, on that question at the present time. He felt it his bounden duty to do all he could to oppose the resolution, and he would with all his influence support the amendment.<sup>305</sup>

MR. COM. CR. LANDS PRICE rose to address the House.<sup>306</sup>

SIR A. MACNAB.--He knew exactly what the hon. member intended to say, and would reply to it at once. (Laughter.) The hon. member was going to justify the appointment of Mr. Gibson. He might as well spare himself the trouble, for he (Sir Allan MacNab) would at once admit that the appointment was perfectly correct, as he was a supporter of the hon. gentleman.<sup>307</sup>

MR. COM. CR. LANDS PRICE said that the hon. and gallant knight was mistaken in supposing that he had ((risen)) for the purpose of defending his appointment of Mr. Gibson, but for the purpose of expressing his regret, that the gallant knight should take every opportunity of convincing the House, that the seat now occupied by him was less easy than the one which he had lately filled. (Hear, hear.) And he must also express his surprise, that the gallant knight, should think that the proper mode establishing the position of himself and his friends, was to keep up a heart burning about by-gone times and things,<sup>308</sup> which he knew would get into the newspapers, and which he knew had been denied<sup>309</sup>, and that in a way which was neither dignified nor parliamentary, for surely the hon. gentleman ought to know, from his long parliamentary experience, that when a statement made perhaps in the heat of debate was once disclaimed, it was unparliamentary to refer to it again as he had done.<sup>310</sup>

SIR A. MACNAB would put the hon. member right. He and his hon. friend the member for Toronto had been personally attacked by the Inspector General, who accused them of being the authors of the rebellion in Upper Canada. Did the hon. member suppose he was going to swallow that?<sup>311</sup>

MR. AT. GEN. BALDWIN would tell the gallant knight that he ought to be aware from his parliamentary practice, that in recurring so repeatedly to a statement which had been disclaimed, he acted in violation of all parliamentary rules. (Hear, hear.)<sup>312</sup>

SIR A. MACNAB appealed to the hon. members on his side of the House, if he had not been accused of inciting rebellion in the Upper Province by the Inspector General.<sup>313</sup>

Yes, yes from the Opposition Benches.<sup>314</sup>

MR. MORIN the SPEAKER called to order.<sup>315</sup>

SIR A. MACNAB had never had such a charge brought against him before; and he would repeat it again and again, not only in that House, but elsewhere, and in a manner which would not affect either his own dignity or the respect he owed the House.<sup>316</sup>

"Order, order."<sup>317</sup>

SIR A. MACNAB ((continued:)) He repeated that he had been wrongly attacked by the Inspector General. The Attorney General had asserted that he was in the wrong. If he had misunderstood the Inspector General, let the hon. gentleman himself explain what he had said.<sup>318</sup>

MR. INSP. GEN. HINCKS said, that the hon. and gallant Knight charged him with saying, that he charged him with having got up the rebellion.<sup>319</sup> It was impossible for him to remember the precise words he had made use of, but he would appeal to his hon. friends near him, if he were not correct in asserting that the meaning conveyed by the words he made use of was to the effect that the misrule of the Government of the day<sup>320</sup> condemned by Lord Durham<sup>321</sup> of which the gallant knight and the hon. gentleman near him were prominent supporters, was the cause of the rebellion in Upper Canada.<sup>322</sup>

"Yes."<sup>323</sup>

MR. INSP. GEN. HINCKS.--He could not understand how the hon. member for Hamilton had taken that as a personal charge.<sup>324</sup>

MR. MORIN the SPEAKER called the House to order. He could not allow the explanation to go any further. Hon. members were wrong in appealing to hon. members on either side. They should address the chair.<sup>325</sup>

SIR A. MACNAB would not allow himself to be misrepresented. He had distinctly heard the Hon. Inspector General accuse him of being the author of the rebellion in Upper Canada. The hon. gentleman should remember that he (Sir Allan McNab) could not guess at the meaning he intended to convey. He could only be guided by the language made use of.<sup>326</sup>

MR. MORIN the SPEAKER.--"Order, order."<sup>327</sup>

MR. COM. CR. LANDS PRICE continued. His hon. friend had disclaimed the offensive interpretation put upon his language by the hon. gentleman opposite, and his hon. friend on the left had stated truly that it was an outrage of all parliamentary rules, to reiterate that charge, after it had been refuted; he therefore hoped there would be no more allusion to it, for the hon. gentleman opposite, from his knowledge of parliamentary rules and practice, ought to know well that if an expression, used perhaps in the heat of debate, were to be bandied about, without allowing an opportunity for explanation, that House must at once lose all appearance of a deliberative body. What his hon. friend had said, he would say; that the compact which had ruled the Upper Province for fifty years, had caused the rebellion by their wicked acts and constant misrule. That compact, ruling every place with their own party, and determined upon securing to themselves a lasting influence on the country, by the establishment of a dominant Church, had dared to demand the appropriation of one-seventh of the Crown Lands of the Province for the support of that Church.<sup>328</sup>



A member of the Opposition.--"It was a grant from the Crown."<sup>329</sup>

MR. COM. CR. LANDS PRICE denied that the Crown had made the grant for the purpose to which it was attempted to apply it. George the Third was too just and wise a monarch to vitiate all the principles of justice, and to do such an injury to the interests of the people of the Province, as to make a grant for that purpose. And it should also be borne in mind, that the decision of the twelve Judges in England, was directly adverse to the claims of the Church of England, but as the gallant knight's opinion was more recent, he was bound to suppose that it possessed more weight than theirs.<sup>330</sup>

SIR A. MACNAB begged to remind the hon. member, that he had voted sometimes one way and sometimes another (laughter), but he was ready to defend every vote he gave.<sup>331</sup>

MR. COM. CR. LANDS PRICE continued. He was perfectly well aware that the hon. gentleman had sometimes voted one way, and sometimes the other, (hear, hear) and he had no doubt that if the hon. gentleman could bring his party into power, by a change of opinion on the subject at that moment under consideration, he would turn right about, and vote the other way.-- That hon. member had asserted that his hon. friend the Attorney General West did not represent public opinion in Upper Canada; he would merely tell the hon. gentleman to look at the Journals of the Upper Canada Parliament for his refutation. The people of Upper Canada looked up to his hon. friend as the party by whom the Clergy Reserve system was to be broken up, that system which had given such general dissatisfaction, and respecting which the majority of the people, including many of the members of the Church of England, were determined to have a just and equitable settlement. But it was just possible that the gallant knight himself had very little care about public opinion, but reverted occasionally with feelings of pleasure to the palmy days of Sir F. B. Head, when the voice of public opinion could never be heard, and the strongest argument that could be used--"If you quarrel with me, you quarrel with your bread and butter." That was the system he had no doubt, which possessed the undivided admiration of the gallant knight--the system under which, public opinion was of no effect, and under which one individual alone possessed absolute power. Was that the system which the hon. and gallant knight would like to ((see reestablished?)) He (Mr. P.) would ask him as a statement what he thought of the doctrine which placed one man, even admitting that he was possessed of the highest talent, and actuated by the purest motives, in a totally irresponsible position?<sup>332</sup>

(83)

*At six o'clock, P. M. pursuant to Order, the House was adjourned by Mr. Speaker, without a Question first put, till Thursday next.*

APPENDIX: 13 FEBRUARY 1849.

((QUESTIONS AND ANSWERS RE: INDIAN LANDS; WHARVES ON LOWER ST. LAWRENCE; BRIDGES OVER RIVER DU GOUFFRE; AND ROADS TO LAKE ST. JOHN.))<sup>333</sup>

DR. LATERRIERE (asked a)) question.<sup>334</sup>

In answer to Dr. Laterrière, MR. AT. GEN. LAFONTAINE said that it was the intention of the Government to accord sufficient lands to the Montagnais Indians; it was also in consideration of the Government whether it would be proper to make provisions of an annuity for the Indians. As to wharves on the Lower St. Lawrence, bridges over the River du Gouffre, and roads to Lake St. John, he could only reply, as to similar questions, that Government could not make any appropriations this year for local purposes.<sup>335</sup>

((QUESTION AND ANSWER RE: COURTS OF OYER AND TERMINER IN DISTRICT OF COLBORNE.))<sup>336</sup>

MR. HALL inquired of ministers whether any measure would be introduced during the present session for the holding of the Courts of Oyer and Terminer twice a year instead of once as at present.<sup>337</sup>

It was answered that it was.<sup>338</sup>

((QUESTION AND ANSWER RE: REPAIR OF GOVERNMENT ROADS IN TORONTO.))<sup>339</sup>

MR. H. SHERWOOD, of Toronto, enquired of the Ministers if it was their intention to make any repairs on the Government Roads lying within the boundaries of the City of Toronto.<sup>340</sup>

MR. INSP. GEN. HINCKS said, it was not their intention to do anything to the said roads, the Government did not think it had anything to do with them; and it was the only city in the Province which did not maintain its own roads.<sup>341</sup>

MR. H. SHERWOOD.--Then the Government had better offer them to the City Corporation.<sup>342</sup>

MR. INSP. GEN. HINCKS said it might have them, and that it had been told so.<sup>343</sup>

((QUESTION AND ANSWER RE: TAXES FOR WILD LANDS.))

MR. HALL ((asked)) whether it is intended to introduce any measure this Session to prevent District Treasurers from receiving Taxes for Wild Lands, which are situated in other Districts?<sup>344</sup>

It was answered that the new Assessment Bill, about to be introduced by the Ministry, would make such provision.<sup>345</sup>

((QUESTION AND ANSWER RE: ROADS IN DISTRICT OF COLBORNE.))

MR. HALL ((asked)) whether the expenditure of £250 will be ordered next summer, that was granted by the late Government for the improvement of the Road from Metcalfe to Lindsay, in the Colborne District?<sup>346</sup>



It was answered the Government could not hold out any hopes in view of present states of finances.<sup>347</sup>

((QUESTION AND ANSWER RE: APPROPRIATION FOR IMPROVEMENT OF ROAD IN DISTRICT OF COLBORNE.))

MR. HALL ((asked)) whether the balance of the appropriation made by the late Ministry for the improvement of the road from Peterboro' to Asphodel, in the Colborne District, will be expended during the next summer?<sup>348</sup>

It was answered the Government could not hold out any hopes in view of present states of finances.<sup>349</sup>

FOOTNOTES: 13 FEBRUARY 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 14 February 1849; PILOT, 14 February 1849, PACKET, 17 February 1849, BROCKVILLE RECORDER, 22 February 1849, and GLOBE, 24 February 1849, in identical accounts.
2. MONTREAL GAZETTE, 14 February 1849.
3. PILOT, 14 February 1849.
4. MONTREAL GAZETTE, 14 February 1849.
5. PILOT, 14 February 1849.
6. MONTREAL GAZETTE, 14 February 1849.
7. PILOT, 14 February 1849.
8. IBID.
9. IBID.
10. IBID.
11. The debate on this matter was reported by: MONTREAL GAZETTE, 14 February 1849; and PILOT, 14 February 1849. Commentaries may be found in: MONTREAL GAZETTE, 14 February 1849; and LA MINERVE, 15 February 1849; and BRITISH COLONIST, 23 February 1849, which acknowledged MONTREAL TRANSCRIPT as its source.
12. PILOT, 14 February 1849.
13. IBID., which reported £34 8s. 5d.
14. MONTREAL GAZETTE, 14 February 1849.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. PILOT, 14 February 1849.
38. MONTREAL GAZETTE, 14 February 1849.
39. PILOT, 14 February 1849.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.



45. The debate on this matter was reported by: PILOT, 16 February 1849, and BROCKVILLE RECORDER, 22 February 1849, in a shorter but identical account; MONTREAL GAZETTE, 14 February 1849, and HAMILTON SPECTATOR, 24 February 1849, in identical accounts; MONTREAL GAZETTE, 16 February 1849, HAMILTON SPECTATOR, 21 February 1849, and BRITISH COLONIST, 23 February 1849, in identical accounts; PILOT, 14 February 1849, BATHURST COURIER, 23 February 1849, BROCKVILLE RECORDER, 22 February 1849, and GLOBE, 24 February 1849, in identical accounts, except that the GLOBE omitted two speeches, and slightly abbreviated Sherwood's speech; LA MINERVE, 15 February 1849, and PRINCE EDWARD GAZETTE, 23 February 1849, in very abbreviated accounts; MONTREAL GAZETTE, 14 February 1849; and STANSTEAD JOURNAL, 22 February 1849, which noted the debate. Commentaries may be found in BRITISH COLONIST, 23 February 1849, which acknowledged its source as the MONTREAL GAZETTE; MORNING CHRONICLE 21 February 1849; PILOT, 21 February 1849; and HAMILTON SPECTATOR, 17 February 1849. BRITISH WHIG, 14 February 1849, and BRITISH COLONIST, 16 February 1849, commented: "A stormy debate ensued, which lasted the remainder of the sitting." Whenever possible, the identical reports in the HAMILTON SPECTATOR will be reproduced instead of the less legible MONTREAL GAZETTE, and the GLOBE instead of the PILOT.
46. HAMILTON SPECTATOR, 24 February 1849.
47. IBID.
48. PILOT, 14 February 1849.
49. HAMILTON SPECTATOR, 24 February 1849.
50. IBID.
51. PILOT, 14 February 1849.
52. IBID.
53. HAMILTON SPECTATOR, 24 February 1849.
54. PILOT, 14 February 1849.
55. HAMILTON SPECTATOR, 24 February 1849.
56. PILOT, 14 February 1849.
57. GLOBE, 24 February 1849.
58. HAMILTON SPECTATOR, 24 February 1849.
59. GLOBE, 24 February 1849.
60. HAMILTON SPECTATOR, 24 February 1849.
61. GLOBE, 24 February 1849.
62. HAMILTON SPECTATOR, 24 February 1849.
63. GLOBE, 24 February 1849.
64. HAMILTON SPECTATOR, 24 February 1849. The figure mentioned in the PILOT, 14 February 1849, was £29,000.
65. GLOBE, 24 February 1849.
66. HAMILTON SPECTATOR, 24 February 1849.
67. GLOBE, 24 February 1849.
68. IBID.
69. HAMILTON SPECTATOR, 24 February 1849.
70. GLOBE, 24 February 1849.
71. HAMILTON SPECTATOR, 24 February 1849.
72. GLOBE, 24 February 1849.
73. PILOT, 14 February 1849.
74. IBID.
75. IBID.

76. GLOBE, 24 February 1849.
77. IBID.
78. IBID.
79. HAMILTON SPECTATOR, 24 February 1849.
80. GLOBE, 24 February 1849.
81. HAMILTON SPECTATOR, 24 February 1849.
82. GLOBE, 24 February 1849.
83. HAMILTON SPECTATOR, 24 February 1849.
84. GLOBE, 24 February 1849.
85. HAMILTON SPECTATOR, 24 February 1849.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. GLOBE, 24 February 1849.
91. HAMILTON SPECTATOR, 24 February 1849.
92. GLOBE, 24 February 1849.
93. HAMILTON SPECTATOR, 24 February 1849.
94. GLOBE, 24 February 1849.
95. HAMILTON SPECTATOR, 24 February 1849.
96. GLOBE, 24 February 1849.
97. HAMILTON SPECTATOR, 24 February 1849.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. LA MINERVE, 19 February 1849.
108. HAMILTON SPECTATOR, 24 February 1849.
109. LA MINERVE, 19 February 1849.
110. HAMILTON SPECTATOR, 21 February 1849.
111. PILOT, 16 February 1849.
112. HAMILTON SPECTATOR, 21 February 1849.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. PILOT, 16 February 1849.
122. HAMILTON SPECTATOR, 21 February 1849.
123. PILOT, 16 February 1849.
124. HAMILTON SPECTATOR, 21 February 1849.
125. PILOT, 16 February 1849.
126. HAMILTON SPECTATOR, 21 February 1849.
127. IBID.
128. IBID.



129. PILOT, 16 February 1849.
130. HAMILTON SPECTATOR, 21 February 1849.
131. IBID.
132. PILOT, 16 February 1849.
133. HAMILTON SPECTATOR, 21 February 1849.
134. IBID.
135. IBID.
136. PILOT, 16 February 1849.
137. HAMILTON SPECTATOR, 21 February 1849.
138. IBID.
139. IBID.
140. PILOT, 16 February 1849.
141. HAMILTON SPECTATOR, 21 February 1849.
142. PILOT, 16 February 1849.
143. HAMILTON SPECTATOR, 21 February 1849.
144. PILOT, 16 February 1849.
145. HAMILTON SPECTATOR, 21 February 1849.
146. PILOT, 16 February 1849.
147. HAMILTON SPECTATOR, 21 February 1489.
148. PILOT, 16 February 1849.
149. HAMILTON SPECTATOR, 21 February 1849.
150. PILOT, 16 February 1849.
151. HAMILTON SPECTATOR, 21 February 1849.
152. PILOT, 16 February 1849.
153. HAMILTON SPECTATOR, 21 February 1849.
154. PILOT, 16 February 1849.
155. HAMILTON SPECTATOR, 21 February 1849.
156. PILOT, 16 February 1849.
157. HAMILTON SPECTATOR, 21 February 1849.
158. PILOT, 16 February 1849.
159. HAMILTON SPECTATOR, 21 February 1849.
160. PILOT, 16 February 1849.
161. HAMILTON SPECTATOR, 21 February 1849.
162. PILOT, 16 February 1849.
163. HAMILTON SPECTATOR, 21 February 1849.
164. PILOT, 16 February 1849.
165. HAMILTON SPECTATOR, 21 February 1849.
166. IBID.
167. IBID.
168. PILOT, 16 February 1849.
169. HAMILTON SPECTATOR, 21 February 1849.
170. IBID.
171. IBID.
172. IBID.
173. PILOT, 16 February 1849.
174. HAMILTON SPECTATOR, 21 February 1849.
175. PILOT, 16 February 1849.
176. HAMILTON SPECTATOR, 21 February 1849.
177. PILOT, 16 February 1849.
178. HAMILTON SPECTATOR, 21 February 1849.
179. PILOT, 16 February 1849.
180. HAMILTON SPECTATOR, 21 February 1849.
181. PILOT, 16 February 1849.
182. HAMILTON SPECTATOR, 21 February 1849.

183. PILOT, 16 February 1849.
184. HAMILTON SPECTATOR, 21 February 1849.
185. PILOT, 16 February 1849.
186. HAMILTON SPECTATOR, 21 February 1849.
187. PILOT, 16 February 1849.
188. HAMILTON SPECTATOR, 21 February 1849.
189. IBID.
190. PILOT, 16 February 1849.
191. HAMILTON SPECTATOR, 21 February 1849.
192. PILOT, 16 February 1849.
193. HAMILTON SPECTATOR, 21 February 1849.
194. PILOT, 16 February 1849.
195. HAMILTON SPECTATOR, 21 February 1849.
196. PILOT, 16 February 1849.
197. HAMILTON SPECTATOR, 21 February 1849.
198. PILOT, 16 February 1849.
199. HAMILTON SPECTATOR, 21 February 1849.
200. PILOT, 16 February 1849.
201. HAMILTON SPECTATOR, 21 February 1849.
202. PILOT, 16 February 1849.
203. HAMILTON SPECTATOR, 21 February 1849.
204. PILOT, 16 February 1849. The ellipses represent illegible words.
205. HAMILTON SPECTATOR, 21 February 1849.
206. PILOT, 16 February 1849.
207. HAMILTON SPECTATOR, 21 February 1849.
208. PILOT, 16 February 1849.
209. HAMILTON SPECTATOR, 21 February 1849.
210. PILOT, 16 February 1849.
211. HAMILTON SPECTATOR, 21 February 1849.
212. PILOT, 16 February 1849.
213. HAMILTON SPECTATOR, 21 February 1849.
214. PILOT, 16 February 1849.
215. HAMILTON SPECTATOR, 21 February 1849.
216. PILOT, 16 February 1849.
217. HAMILTON SPECTATOR, 21 February 1849.
218. PILOT, 16 February 1849.
219. HAMILTON SPECTATOR, 21 February 1849.
220. PILOT, 16 February 1849.
221. HAMILTON SPECTATOR, 21 February 1849.
222. PILOT, 16 February 1849.
223. HAMILTON SPECTATOR, 21 February 1849.
224. PILOT, 16 February 1849.
225. IBID.
226. HAMILTON SPECTATOR, 21 February 1849.
227. PILOT, 16 February 1849.
228. HAMILTON SPECTATOR, 21 February 1849.
229. PILOT, 16 February 1849.
230. HAMILTON SPECTATOR, 21 February 1849.
231. PILOT, 16 February 1849.
232. HAMILTON SPECTATOR, 21 February 1849.
233. PILOT, 16 February 1849.
234. HAMILTON SPECTATOR, 21 February 1849.
235. PILOT, 16 February 1849.



236. IBID.
237. IBID.
238. HAMILTON SPECTATOR, 21 February 1849.
239. PILOT, 16 February 1849.
240. IBID.
241. HAMILTON SPECTATOR, 21 February 1849.
242. PILOT, 16 February 1849.
243. IBID.
244. IBID.
245. HAMILTON SPECTATOR, 21 February 1849.
246. PILOT, 16 February 1849.
247. HAMILTON SPECTATOR, 21 February 1849.
248. PILOT, 16 February 1849.
249. IBID. The HAMILTON SPECTATOR, 21 February 1849, however, says, "two or three years after."
250. HAMILTON SPECTATOR, 21 February 1849.
251. PILOT, 16 February 1849.
252. HAMILTON SPECTATOR, 21 February 1849.
253. PILOT, 16 February 1849.
254. HAMILTON SPECTATOR, 21 February 1849.
255. PILOT, 16 February 1849.
256. HAMILTON SPECTATOR, 21 February 1849.
257. PILOT, 16 February 1849.
258. IBID.
259. IBID.
260. HAMILTON SPECTATOR, 21 February 1849.
261. PILOT, 16 February 1849.
262. HAMILTON SPECTATOR, 21 February 1849.
263. PILOT, 16 February 1849.
264. HAMILTON SPECTATOR, 21 February 1849.
265. PILOT, 16 February 1849.
266. HAMILTON SPECTATOR, 21 February 1849.
267. PILOT, 16 February 1849.
268. HAMILTON SPECTATOR, 21 February 1849.
269. IBID.
270. IBID.
271. PILOT, 16 February 1849.
272. HAMILTON SPECTATOR, 21 February 1849.
273. PILOT, 16 February 1849.
274. HAMILTON SPECTATOR, 21 February 1849.
275. PILOT, 16 February 1849.
276. HAMILTON SPECTATOR, 21 February 1849.
277. PILOT, 16 February 1849.
278. HAMILTON SPECTATOR, 21 February 1849.
279. PILOT, 16 February 1849.
280. IBID.
281. IBID.
282. IBID.
283. HAMILTON SPECTATOR, 21 February 1849.
284. PILOT, 16 February 1849.
285. HAMILTON SPECTATOR, 21 February 1849.
286. PILOT, 16 February 1849.

287. HAMILTON SPECTATOR, 21 February 1849.
288. PILOT, 16 February 1849.
289. HAMILTON SPECTATOR, 21 February 1849.
290. PILOT, 16 February 1849.
291. HAMILTON SPECTATOR, 21 February 1849.
292. PILOT, 16 February 1849.
293. HAMILTON SPECTATOR, 21 February 1849.
294. PILOT, 16 February 1849.
295. HAMILTON SPECTATOR, 21 February 1849.
296. PILOT, 16 February 1849.
297. HAMILTON SPECTATOR, 21 February 1849.
298. IBID., which reported fifteen hundred.
299. PILOT, 16 February 1849.
300. HAMILTON SPECTATOR, 21 February 1849.
301. IBID.
302. IBID.
303. PILOT, 16 February 1849. The ellipsis represents an illegible line.
304. PILOT, 16 February 1849.
305. HAMILTON SPECTATOR, 21 February 1849.
306. PILOT, 16 February 1849.
307. IBID.
308. IBID.
309. HAMILTON SPECTATOR, 24 February 1849.
310. PILOT, 16 February 1849.
311. IBID.
312. IBID.
313. IBID.
314. IBID.
315. HAMILTON SPECTATOR, 24 February 1849.
316. PILOT, 16 February 1849.
317. IBID.
318. IBID.
319. HAMILTON SPECTATOR, 24 February 1849.
320. PILOT, 16 February 1849.
321. HAMILTON SPECTATOR, 24 February 1849.
322. PILOT, 16 February 1849.
323. IBID.
324. HAMILTON SPECTATOR, 24 February 1849.
325. PILOT, 16 February 1849.
326. IBID.
327. IBID.
328. IBID.
329. IBID.
330. IBID.
331. IBID.
332. IBID.
333. The debate on this matter was reported by: PILOT, 14 February 1849, PACKET, 17 February 1849, and BROCKVILLE RECORDER, 22 February 1849, in identical accounts.
334. PILOT, 14 February 1849.
335. IBID.
336. The debate on this matter was reported by: MONTREAL GAZETTE, 14 February 1849; BRITISH WHIG, 16 February 1849, BRITISH COLONIST, 16 Feb-



- ruary 1849, GLOBE, 17 February 1849, PROVINCIALIST, 19 February 1849, ST. CATHARINES JOURNAL, 22 February 1849, and MORNING CHRONICLE, 16 February 1849, in identical accounts.
337. BRITISH COLONIST, 16 February 1849.
338. MONTREAL GAZETTE, 14 February 1849.
339. The debate on this matter was reported by: MONTREAL GAZETTE, 14 February 1849; BRITISH WHIG, 15 February 1849, BRITISH COLONIST, 16 February 1849, GLOBE, 17 February 1849, PROVINCIALIST, 19 February 1849, ST. CATHARINES JOURNAL, 22 February 1849, and MORNING CHRONICLE, 16 February 1849, in identical accounts.
340. MONTREAL GAZETTE, 14 February 1849.
341. IBID.
342. IBID.
343. IBID.
344. IBID.
345. IBID.
346. IBID.
347. IBID.
348. IBID.
349. IBID.

THURSDAY, 15 FEBRUARY 1890.

189

St. Lawrence  
and Atlantic  
Railroad.

MR. SPEAKER laid before the House, a Statement of the Affairs of the St. Lawrence and Atlantic Railroad Company, to 30th November, 1848, pursuant to Act 3 Vic. c. 15.

Appendix (H. H.)

For the said Statement, see Appendix (H. H.)

Hamilton and  
Gore Savings  
Bank.

And also, Statement of the Affairs of the Hamilton and Gore District Savings Bank, received in conformity to an Order of this House, of the twenty-fifth January last.

Appendix (P.)

For the said Statement, see Appendix (P.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of Harrett Pinhey, Esquire, Warden, on behalf of the Municipal Council of the District of Dalhousie (Bridge).

By Mr. Brooks,--The Petition of the British American Land Company.

By Mr. Duchesnay,--The Petition of Pierre Ignace Déry and others, of the Parish of St. Raymond, and of the County of Portneuf.

By Mr. Christie,--The Petition of Thomas A. Young, of the City of Quebec, Esquire.

By Mr. M'Lean,--The Petition of George Poopst and others, of the ninth Concession of Cornwall.

By Mr. Méthot,--The Petition of Joseph Boivin and others, of Quebec; and the Petition of Messieurs Alex. Gilmour and Company, and others, of the City of Quebec.

By the Honorable Mr. Bagley,--The Petition of Ephraim Knight, Esquire, and others, of the County of Missisquoi, Members of the Order of Rechabites.

By Mr. Davignon,--The Petition of Joseph Charland and others, Councillors of the Village of Christieville, County of Rouville; the Petition of the Trustees of the Longueuil and Chambly Turnpike Road; and the Petition of Jean Langevin, of the City of Montreal, Esquire.

By Mr. Beaubien,--The Petition of the Reverend Charles Bancroft and others, of the Municipality of St. John, Dorchester, County of Chambly.

By Mr. Cartier,--The Petition of the St. Lawrence and Atlantic Railroad Company (Aid).<sup>1</sup>

MR. CARTIER stated that the prayer of petitioners ought to be favorably entertained. That the Company, under the severe pressure of the times, had succeeded to complete and put into operation 30 miles of railroad from Montreal to St. Hyacinthe. The outlay by the Company was above \$180,000 ex., and the amount subscribed was above \$50,000. What tells well in the favour of the railroad, and of the good management of the President and Directors of the Company, is, that the actual costs of the part of the railroad completed, far from having exceeded, has (sic) been under the estimates, a fact of a rare occurrence (sic) in the history of railroads to England and the United States, where they are so exact in their calculations. The sooner the road will be completed the better it will be, not only for Montreal, but for Quebec, and the District of the Quebec and Three Rivers,



and also for the increase of business of the public works and canals, which have cost the Province a round sum of £30,000,000. That the present means of conveyance was not sufficient for the purpose of the furtherance of trade, and that it was most detrimental to trade that western products should accumulate in the fall and winter either at Montreal or Quebec. Every one has present to his memory the losses that the Canadian Trade had suffered in the years 1848'9. If all the products that wintered at Montreal and Quebec could have reached the English markets, either in the course of the winter, or early in the spring 1849, our merchants would have had the advantage of the high prices, and the trade of the country would not have suffered a loss that exceeded £600,000cy. The consequences of which are yet severely felt. The Company is not looking for pecuniary grant or assistance. Since it has invested and spent such large sums of money, it seeks what has been done, and what is daily done by almost every Legislature of the different States of the Union. The State of Massachusetts, for instance, has always lent assistance to every Railroad Company by the loan of its credit or otherwise. The aggregate length of the Railroads in that State exceed (sic) 800 miles, and the longest of them does not exceed 110 miles, and for the making of the whole of them the State has lent its credit. We have also the example of the most populous and wealthy State of the Union, the Empire State, the State of New York, that is intersected in every direction by Canals and Railroads; and the State on every occasion has lent its credit either for Railroads now constructed, or for those now under construction. The Long Island Railroad, the Auburn and Rochester Railroad and several others have had the advantage of the credit of the State for their construction. The New York and Erie Railroad now under construction has the same advantage. Since we see that our enterprising neighbours are obliged to have recourse to the credit and assurance of their respective legislatures, for the completion of their Railroads, why are we, that are said to have less enterprise and to have less means not to be assisted in our undertakings by our Legislature in the same manner as in the United States? There is no time to lose for the completion of the St. Lawrence and Atlantic Railroad, if we wish to secure the Western trade. Every Atlantic city is competing with the other for the trade of the latter. We see that Boston not satisfied with her present means of conveyance by the Western Railroad and the Erie Canal, is pushing forward her Ogdenburg Railroad, New York also, not satisfied with the Hudson and the means of conveyance between Albany and Buffalo, is constructing the New York and Erie Road, the terminus of which will be at Dunkirk on Lake Erie, far above the Welland, and the business of which it will most surely diminish. Philadelphia, through railway communications to Harrisburg and Pittsburg, in conjunction with Railroads in Ohio to Cleveland, is aiming at the trade of the Lakes. Baltimore is not remaining behind. She will reach by railroad Whelling on the Ohio river, thence to Pittsburg by boat, where she will intersect the road to Cleveland. When we see such efforts by intelligent people, we cannot doubt of the importance of the business and the benefit they expect, from the trade of the lakes, a trade the greatest share of which will be ensured to our public works and our country at large-- The St. Lawrence and Atlantic Railroad can be completed in a short period of time.

The following is the Petition above referred to.--

## PETITION

To the Honorable the Legislative Assembly of Canada, in Parliament.

The Petition of the St. Lawrence and Atlantic Rail Road Company.

HUMBLY SHEWETH--

That Your Petitioners were incorporated by an Act of the Legislature of this Province, passed in the eighth year of Her Majesty's Reign, Chapter Sixty-five, intituled, An Act to incorporate the St. Lawrence and Atlantic Rail Road Company, for the purpose of constructing a Rail Road from the River St. Lawrence, as nearly opposite Montreal as it may be, to the Boundary Line of the Province, there to form a junction with a line of Rail way in construction by an incorporated Company in the State of Maine, in the United States of America, under the title of The Atlantic and St. Lawrence Rail Road Company, having its Terminus on the Atlantic Ocean, at the City of Portland, with power to form a Branch to Stanstead, hereafter to connect with another line having its Terminus on the Atlantic Seaboard, at the City of Boston, in the State of Massachusetts, with further power to construct a Branch hereafter having its Terminus opposite the City of Quebec, in this Province.

That the Capital, which may be raised by the Authority of said Act, by twelve thousand shares of fifty pounds each, amounts to six hundred thousand pounds, with power to raise an additional sum of five hundred thousand pounds, should the same be found necessary to complete and perfect the enterprise, making in the whole a Capital of eleven hundred thousand pounds.

That Your Petitioners having duly organized and gone into operation under the provision of said Act, have paid in large sums of money on the amount subscribed, and having instituted a survey of the line throughout its whole distance, ascertained that it is not only practicable but that it may be constructed with very favorable grade ((of)) cuts, the entire distance in this Province being one hundred and twenty-seven miles and the approximate estimate, one hundred thousand pounds or six thousand and seventy pounds per mile; and they are further enabled to state that an equally propitious report of the Survey of the Sister Company in the State of Maine places beyond doubt the fact, that no Engineering obstacle exist (sic) to prevent the carrying out the intention of the Act of Incorporation. The establishment of a continuous line of communication open at all seasons of the year from the River St. Lawrence, at Montreal, to the Atlantic Ocean, at the Cities of Portland and Boston, as well as from Montreal to Quebec, in this Province.

That your Petitioners in consequence of the embarrassed state of monetary affairs in England and in this Province failed in obtaining subscribed capital adequate to the completion of the undertaking, which they commenced notwithstanding in the full hope that, the crisis over in the mother country and confidence restored the shares would be fully realized, but they regret that as yet their anticipation (sic) have not been fulfilled. They have constructed and placed in operation thirty miles, being the first or Montreal division of the Road from the St. Lawrence to St. Hyacinthe at an outlay of one hundred and eighty thousand pounds, which leaves a balance undisposed of, over and above the liabilities of the subscribed capital, of about ninety thousand pounds, the payment of which must, under the present monetary difficulties be slow, and a portion of which, from the adverse circumstances of some may never be realised.

That your Petitioners under the circumstances approach Your Honorable



House to solicit legislative aid to carry on and complete this great enterprise, and venture to name the following as some of the grounds upon which it may with propriety be said to have claims upon the most favorable consideration of the Legislature.

That from its geographical position and favorable gradients it will be the cheapest and shortest line of Railway which can be constructed from the waters of the St. Lawrence to the Atlantic Ocean, and being open at all seasons of the year, is the link necessary to complete the chain of continuous communication by the Provincial Canals to compete successfully for the carrying trade of the West, and must be a prominent means when in operation, of insuring to the Province a fair remuneration for the investment of at least three millions of public money in these magnificent undertakings.

That it will afford to the commercial interest ... produce of this Province, and that of the Country drained by the great Lakes arriving by the Canals towards the close of the navigation when the increased rate of insurance becomes almost a bar to shipping by the St. Lawrence, and will thus materially increase the carrying trade of the Public Works at that period of the year by the certainty afforded that produce brought thereby can find its way to the Seaboard without delay.

That independent of the carrying trade intended for markets foreign to this continent, it must command the supply of the North Eastern States and the Lower Provinces of these Colonies through the Rail Roads now in construction connecting with this road--a trade in itself sufficient to pay an ample return on the investment, and which without that communication would reach its markets by American routes.

That it is indispensably required at the present period to develop the resources of the Province at large, and particularly the Eastern Townships, the Trade of which is at this moment import and export centering in Boston, and can only be regained by the facilities of transport to be afforded by the completion of this Rail Road.

That the first seventy Miles, from Montreal to Melbourne, will in all probability form a portion of the contemplated communication from Halifax to this Province, and whenever the Road be completed from Quebec to Melbourne, that City will have Railway communication to the Atlantic Ocean, at the same distance from Melbourne to Montreal.

That it cannot fail to be an investment highly remunerative, not only indirectly, but directly to the Stockholders and the Province, should the Legislature grant its assistance.

Wherefore, Your Petitioners humbly pray that an Act may pass the Legislature to secure to the St. Lawrence and Atlantic Rail Road Company, Public Provincial Aid to an adequate amount to ensure its completion, in such manner and upon such security to be afforded by Your Petitioners, as to Your Honorable House may seem fit.

And your Petitioners as in duty bound, will ever pray.<sup>2</sup>

(83)

*By Mr. Holmes,--The Petition of E. Glackmeyer, Esquire, and others, of the City and District of Montreal; and the Petition of the President and Directors of the New City Gas Company of Montreal.*

*By the Honorable Mr. Robinson,--The Petition of the Municipal Council of the District of Simcoe (division of District).*

*By the Honorable Mr. Attorney General Baldwin,--The Petition of Abner*

Hurd and others, of the Township of Essex; the Petition of the Municipal Council of the Home District (Salaries of District Officers); and the Petition of Isaac Truitt and others, of the Townships of East and North Millbury.

By the Honorable Mr. Boulton,--The Petition of James Platt, Esquire, Mayor, and others, of the City of Quebec, in the State of New York, and others.

By Mr. Chabot,--The Petition of Mrs. E. M. Aylmer and other Ladies composing the Committee of the Lower Town Infant School of Quebec; and the Petition of the Right Reverend the Lord Bishop of Montreal, and others of the City of Quebec.

By the Honorable Mr. Hinks,--The Petition of Matthew Scott and others, of the Township of Norwich, District of Brook; the Petition of Alexander Hossack and others, of the Township of West Zorra.

By Mr. Waterhall,--The Petition of Thomas Atkinson, senior, and others, of the Township of Nelson, District of Essex.

By Mr. Scott, of The Mountains,--The Petition of Thomas Maine, Esquire, and others, of the County of The Mountains.

By Mr. McFarland,--The Petition of Henry Smith, Esquire, and others, of Grimsby and other Townships.

By Mr. Flint,--The Petition of James Ferguson and others, of the District of Victoria.

By Mr. Bellet,--The Petition of William Morrison, Esquire, and others, of the City of Montreal.

MR. DENITT presented a very lengthy petition, signed by upwards of four thousand persons, in favour of protection of those manufactures. The tail to said petition was duly extended over the floor, and seemed to create much sensation.<sup>3</sup>

(33)

By Mr. Chauveau,--The Petition of Michel Harel, junior, and others, of the Parish of Ste. Euse.

By the Honorable Mr. Macdonald,--The Petition of Francis M. Hall, Esquire, Mayor, and others, Citizens of Kingston; and the Petition of the Reverend M. Lalor, and others.

By Mr. Scott, of Bytown,--The Petition of J. Bedard and others, of the Town of Bytown; and the Petition of Thomas Jernigan.

By Mr. Guy,--The Petition of the Reverend Jasper E. Nicolls, on behalf of the Council of Bishop's College at Lernoxville.

By Mr. Hall,--The Petition of G. E. Hall and others, of the Town of Peterborough.

By Mr. Cauchon,--The Petition of the Reverend Louis Théodore Bernard and others, of the Parish of Beauport, County of Quebec.

Petitions read.

Pursuant to the Order to the day, the following Petitions were read:--

Of George McLeod and others, of the Village of Portsmouth, Township of Kingston; praying that the said Village may not be included within the limits of the City of Kingston.

Of William Ritchie, on behalf of the Trustees of the Sherbrooke Academy; praying for the usual aid.

Of the Mayor and Councillors of the Municipal Council of the Village



St. John, County of Chambly; praying for certain amendments to the Act 10 & 11 Vic. c. 7, for the establishment of Municipal authorities in Lower Canada.

Of William Blakely and others, of the third Concession of Ameliasburgh, District of Prince Edward; praying that no Legislative action may be had with reference to the division line between the second and third Concessions of that Township, but that any difficulties arising thereout of may be settled by the ordinary Courts of Justice.

Of Robert C. Wilkins and others, of Ameliasburgh, District of Prince Edward; praying that a Special Commission be appointed to examine and permanently established the Concession lines of the said Township.

Of James Bowie, of the City of Montreal, Esquire, complaining of the non-payment of certain claims for services rendered and articles supplied by him in his capacity of Physician to the Emigrant Sheds in 1847, and praying an investigation and relief in the premises.

Of Daniel Villiard and others, of the Township of Pakenham, District of Bathurst; praying that no division may be made of the said District.

Of George O'Kill Stuart, Esquire, Mayor, on behalf of the inhabitants of the City of Quebec; praying the House to consider favorably the project of a Railroad to connect the City of Quebec with Halifax.

(84)

Of William Ruthven, of Quebec; praying aid to enable him to print an English translation of a work on Agricultural Chemistry, by M. N. Aubin.

Of the Quebec Friendly Society; praying for an extension of the time of their incorporation.

Of John Birch and others, of Quebec; praying that no final action may be had this Session on the Bill introduced to incorporate the St. George's Society of Quebec.

Of Israel W. Powell, Esquire, and others, of Port Dover, in the District of Talbot, and its vicinity; praying for the rebuilding of the Light House, and the completion of the Port Dover Harbour.

Of Levi Willson and others, of the Township of Trafalgar, District of Gore; praying for the passing of an Act to compel travelling shows or caravans to pay a tax and obtain a license from the Warden of each District, before passing through the same or exhibiting therein.

Of John Miller and others, of the Township of Nelson, District of Gore; praying for the passing of an Act to authorize the formation of Mutual Insurance Companies in each District, to be exclusively confined to rural property.

Of the Municipal Council of the District of Gore; praying to be authorized to lease or sell certain public property in Hamilton.

Of Samuel Stanton and others, of Dumfries; and of Thomas C. Dixon, Esquire, and others, of the Town of London and vicinity; praying for aid to such an extent as will secure the construction of a line of Railroad from Quebec to Windsor at the Western limit of the Province.

Of Samuel Bradley, of St. Germain de Rimouski, trader; praying compensation for loss sustained in the construction of a bridge over the River Rimouski.

Of the tribe of Amalecite Indians residing in the Townships in the rear of the Parish of L'Isle Verte; praying for aid to open a Road leading to the said Parish.

Of Nicolas Boucher, of St. Arsène, Teacher; praying for the payment of a certain amount due him and his wife as school teachers in the Parish of St. André.

Of the Religious Ladies of the Community of the General Hospital of Québec; praying for the passing of an Act to authorize them to acquire property yielding a certain annual income for the purposes of the said Hospital.

Of the Institut Canadien de Québec; praying for aid.

Of John Fraser and others, of Ristigouche; praying for aid to complete the line of Road between the Little River adjoining the Kempt Road, and the Mataredia, along the north bank of the River Ristigouche, and to erect bridges on the said line of Road.

Of P. M. Bardy, Esquire, and others, of the City of Quebec; praying for certain amendments to the Act for regulating the manner of holding elections in the said City.

Of John Graybiel and others, of the District of Niagara; praying for the renewal of the Charter of the Niagara and Detroit Rivers Railroad Company.

Of Edward Hale, Esquire, and others, of the Town and vicinity of Sherbrooke, District of St. Francis; of Amos Bishop, Esquire, and others, of the Township of Dudswell, County of Sherbrooke, and of the Municipal Council of Sherbrooke, praying for aid to repair the Aylmer Bridge across the River St. Francis, in the Town of Sherbrooke.

Of the Faculty of Medicine of the University of M'Gill College; praying for additional aid.

Of John C. W. Daly, Esquire, and others, Magistrates and District Councillors of the eastern section of the District of Huron; praying for the erection of a new District as already petitioned for, with Stratford for the District Town.

Of the President and Directors of the Niagara Falls Suspension Bridge Company; praying that a renewal of the Charter to construct a Suspension Bridge across the Niagara River at Queenston may not be granted, for certain reasons therein set forth.

Of Akner Lidwill and others, of the Township of Colchester; praying for the adoption of measures to obtain the repeal of the Imperial Act relating to the Clergy Reserves, and for the abolition of the Rectories, and that the funds arising therefrom may be appropriated to purposes of general utility.

Of Benjamin Knapp and others, of Chatham and Camden; praying for the repeal of the Act for establishing the boundaries of lots in the said Townships; and that the said boundaries be established by a Surveyor, according to the recognized boundaries of Harwich and Howard.

Of Alfred Savage and others, Apothecaries, Chemists and Druggists of Canada East; praying for an Act of Incorporation.

Of the Reverend N. A. Leclerc and others, of Lambton and other Townships, County of Mequintie; praying aid to improve the Lambton Road.

Of J. E. Legendre, Esquire, Mayor, and P. Pepin, Secretary, of the Municipal Council of Nicolet; praying that the Act 10 & 11 Vic. c. 7, establishing Municipal authorities, be repealed, and that the former Act, 3 Vic. c. 40, be revived, with such amendments as may be deemed necessary.



Of William Bacon, of the Village of Ogdensburgh, in the State of New York, merchant; praying indemnification for the loss of his share of the ownership of the Steamboat "Sir Robert Peel" destroyed by Canadian and American brigands, in the year 1838.

Of John DeCew and others, of Haldimand; praying that in the event of the said County being formed into a new District, the District buildings thereof may be erected at the Village of Cayuga.

Of James Moir Ferres, of the City of Montreal, Esquire praying for an investigation into the matter of his dismissal from the office of Revenue Inspector for the second division of the District of Montreal.

Of Charles Morice and others; praying that the practice of selling property at Church Doors on Sunday may be abolished.

Alexander Morrison.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, dated the 8th instant,--Copies of Petitions and Applications of Alexander Morrison, of Niagara, regarding Lot 71, Township of Niagara, and Copies of the Surveyor General and Crown Land Commissioner's Reports, and the decisions of the Executive Government upon the several Petitions on this matter; and the Copies of Affidavits and Letters referring to the purchase of Lot 71, in the Township of Niagara, by Alexander Morrison.

Appendix (I.I.)

For the said Papers, see Appendix (I.I.)

Ordered, That the said Papers be printed for the use of the Members of this House.

Peter Stuart.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 8th instant, praying that he will be pleased to cause to be laid before them, Copies of any Correspondence between the Executive Government and Peter Stuart, of Cornwall, Esquire, relative to the intended appointment of that gentleman to the Office of Sheriff of the Eastern District.

Appendix (J.J.)

For the said Return, see Appendix (J.J.)

Ordered, That the said Return be printed for the use of the Members of this House.

(85)

Petition of A. Savage and others;

Resolved, That the Petition of Alfred Savage and others, Apothecaries, Chemists, and Druggists of Canada East, be referred to a Select Committee composed of Mr. Nelson, Mr. Bouthillier, the Honorable Mr. Badgley, Mr. Beaubien, and Mr. Davignon, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of the Honorable L. Panet and others;

Ordered, That that part of the Petition of the Honorable Louis Panet and others, Electors and Freeholders of the County of Quebec, which relates to the emigration of certain inhabitants of Canada to the United States, be referred to the Select Committee appointed

to enquire into the causes of Emigration from Lower Canada to the United States, and other references.

Of the Mayor and Councilors of Quebec;  
Of A. Shade  
and T. Jowan;  
Of E. Grubb;  
Of E. C. Thomas  
and T. M. Simons;  
Of the Rev.  
E. T. Irvine  
and others;  
Of W. H. M'Leod  
and others;  
Of E. Williams  
and others;

Ordered, That the Petition of the Mayor and Councilors of the City of Quebec; the Petition of Abraham Shade, of Edm., and James Jowan, of Montreal, Esquires; the Petition of John Grubb, of the Township of Stodwick, Esquire, President of the Weston Road Company; the Petition of E. C. Thomas, President, and Thomas M. Simons, Secretary, of the Hamilton and Lake Michigan Institute; the Petition of the Reverend E. T. Irvine and others, of the Village of Industrie, County of Berthier; the Petition of W. H. M'Leod and others, of the City of Quebec; and the Petition of E. Williams and others, of Quebec, be referred to the Standing Committee on Standing Orders.

Of T. C. A.  
Thompson and  
others;

Resolved, That the Petition of T. C. Alfred Thompson, Esquire, and others, the Mayor and Councilors of the County of Terrebonne, be referred to a Select Committee composed of Mr. Holmes, Mr.

John, Mr. Scott, of Les Montagnes, Mr. DeWitt, and Mr. Beaudry, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of J. H. Aussem  
and others;  
Of M. Giller  
and others;  
Of E. M'Gill  
Des Rivières  
and others;

Ordered, That the Petition of John H. Aussem, Esquire, and others, of New Glasgow, County of Terrebonne; the Petition of Moses Giller and others, of Ste. Anne des Plaines, County of Terrebonne; and the Petition of James M'Gill Des Rivières, Esquire, and others, of the City of Montreal, be referred to the said Committee.

Of Hamilton  
and Thomson  
and others  
referred.

Ordered, That the Petition of Messieurs Hamilton and Thomson, and others, engaged in the Imperial Trade of Canada, be referred to the Select Committee to which was referred the Petition of Charles Caseau and others, Quillors of the District

of Quebec, and another reference.

Montreal and  
Province Line  
Junction Rail-  
way Bill.

Mr. DeWitt, from the Select Committee to which was referred the Petition of John Molson, Esquire, and others, the Company of Proprietors of the Montreal and Province Line Junction Railway, and another reference, with power to report by Bill or otherwise,

and from time to time, presented to the House a Bill to amend and extend the Act to incorporate the Montreal and Province Line Junction Railway Company, which was received and read for the first time; and ordered to be read a second time, on Monday next.

Seventh Report  
of Committee on  
Standing Orders.

The Honorable Mr. Spencer, from the Standing Committee on Standing Orders, presented to the House the Seventh Report of the said Committee; which was read, as followeth:--



Your Committee have examined the two Petitions of the Right Reverend the Bishop of Bytown, and find that they are not of such a nature as to require notice under the provisions of the 66th Rule.

Petition of J. M'Kenzie and others.

Ordered, That Mr. Chabot be added to the Select Committee to which was referred the Petition of James M'Kenzie and others, Merchants, Ship-riggers, and others interested in the trade of Ship-building at Quebec.

Quebec Gas Company Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill to incorporate the Quebec Gas Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

On motion of Mr. Thompson, seconded by Mr. M'Farland,

Sheriff of Niagara District.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be graciously pleased to cause to be laid before this House, all Papers connected with the Securities given by the Sheriff of the Niagara District to the Government, having reference to his office to Sheriff.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Drummond Municipality Bill.

Ordered, That Mr. Watts have leave to bring in a Bill to divide the Municipality of Drummond into the two Municipalities.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

On motion of the Honorable Mr. Boulton, seconded by Mr. Lyon,

Cobourg Harbour.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all Contracts entered into by the Board of Works for completing any work connected with improving the Cobourg Harbour, and the amount of monies paid thereon, with a detailed account thereof and of all other monies paid to the Contractors in respect of the improvement of the said Harbour.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Smith, of Frontenac, seconded by the Honorable Mr. Robinson,

William Ireland.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of

all correspondence connected with the Memorial of William Ireland, Esq. from his situation on the Hingleton and Rappee macadamized Road, or connected with the abolition of the said situation.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Scott, of Ytoun, seconded by Mr. Johnson,

Ottawa Works.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to cause to be laid before this House, a Return shewing the names, dates of appointment, salaries, and duties of all Officers now

(86)

employed on the Ottawa River and its tributaries in the collection of the Timber Duties, and in the management of Crown Lands connected with the said offices; and also, the names, dates of appointments, salaries, and duties of all Officers now employed at the City of Quebec for the like purposes; also, the names, dates of appointment, salaries, and duties of all persons now employed in the management or superintendence of the Ottawa Works; also, a Statement, in detail, of the expenditure upon the Ottawa Works, the amount expended for their original construction, the sums paid for their repair, the losses sustained by errors in their construction (if any,)--and all sums paid to Engineers, Mechanics, and Labourers employed immediately by the Board upon the said Works, with the names, dates, and amounts paid to each, in detail; and also, a Statement of all sums received for Tolls, or otherwise, from the Ottawa Works, the amount in detail, and as received from each work separately.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Boulton, seconded by Mr. Watts,

Yorkville Plank Road Bill.

Resolved, That the 66th Rule of this House be suspended, so far as it affects the introduction of a Bill for incorporating John Charlton and others, for the construction of a Plank Road from Yorkville along the third Concession of Vaughan, in the Home District.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill for incorporating John Charlton and others, for the construction of a Plank Road from Yorkville along the third Concession of Vaughan, in the Home District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the nineteenth of March next.

MR. CAYLEY,<sup>4</sup> in moving an address to His Excellency for correspondence relative to the removal of Dr. Telfer from the medical charge of the Lunatic Asylum of Toronto, said that he understood that a copy of the evidence taken by the Commissioners on the occasion had been applied for by Dr. Telfer, but refused.<sup>5</sup>



MR. AT. GEN. BALDWIN did not object to the production of the papers. He did not consider the Government to be responsible for the removal of Dr. Telfer from his office. The Government delegated its power to manage the affairs of the institution to Commissioners who were gentlemen selected without reference to parties and these Commissioners had thought fit to recommend that Dr. Telfer be removed from office, and the Government had only acted on the recommendation. The address was granted in answer to a question from Mr. MacDonald of Kingston.<sup>6</sup>

MR. INSP. GEN. HINCKS stated that he expected to be able to try the report of the Penitentiary Commissioners before the House shortly, as he had reason to believe that the Commissioners would complete their labors at Kingston during the next week.<sup>7</sup>

(86)

*On motion of the Honorable Mr. Cayley, seconded by the Honorable Mr. Macdonald,*

Dr. Telfer.

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct the proper Officer to lay before this House, all papers and correspondence relative to the removal from office of Dr. Telfer, late Medical Superintendent of the Lunatic Asylum at Toronto.*

*Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.*

*On motion of Mr. Méthot, seconded by Mr. Mongenais,*

Shipping of Seamen at Quebec.

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, the Correspondence between the Imperial and Canadian Governments, and between the latter and any private individuals, with reference to the Act to regulate the shipping of Seamen at the Port of Quebec.*

*Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.*

Agricultural abuses.

*Resolved, That a Select Committee composed of Mr. Watts, Mr. Bouthillier, Mr. Gagy, Mr. Davignon, and Mr. Duchesnay, be appointed to enquire into the expediency of continuing and amending the Act, intituled, "An Act to remedy abuses prejudicial to Agriculture in Lower Canada," to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.*

Petition of the Bishop of Carrhae.

*Ordered, That two hundred and fifty copies of the Petition of the Right Reverend Patrick Phelan, Bishop of Carrhae, and Administrator of the Diocese of Kingston, and others, Catholics of Upper Canada, be printed for the use of the Members of this House.*

Message from  
the Council.

A Message from the Legislative Council, by John  
Fennings Taylor, Esquire, one of the Masters in  
Chancery:--

Crown Lands  
Protection Bill.

Mr. Speaker,

The Legislative Council have passed a Bill, intitled, "An Act to explain and amend an Act of the Parliament of the late Province of Upper Canada, passed in the second year of Her Majesty's reign, intituled, "An Act for the protection of the Lands of the Crown of this Province from trespass and injury," and to make further provision for that purpose," to which they desire the concurrence of this House: And also,

Les Clercs  
Paroissiaux  
Bill.

The Legislative Council have passed a Bill, intituled, "An Act to incorporate "Les Clercs Paroissiaux ou Catéchistes de Saint Viateur," in the Village of Industry, in the County of Berthier,"

to which they desire the concurrence of this House.

And then he withdrew.

Rebellion  
Losses (L. C.)

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Tuesday last, proposed to be made to the Question,

That the Order of the day for the House in Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada during the Political Troubles of 1837 and 1838, and of providing for the payment thereof, be now read;

And which Amendment was, That the words "now read" be left out, and the words "postponed for ten days to give time for the expression of the feelings of the Country," added instead thereof.

And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.<sup>8</sup>

MR. COM. CR. LANDS PRICE rose and proceeded to comment on the speech of Sir Allan McNab.<sup>9</sup> When the House adjourned on Tuesday, he had attempted to vindicate his hon. friend on the left, for having asserted that the party represented by hon. gentlemen on the other side had provoked the rebellion in Upper Canada. The hon. and gallant Knight had on that occasion wandered from the subject, as he usually did, and turned it into an attack on the Government, casting on them the imputation of being disloyal. He could not conceive by what species of reasoning the hon. member arrived at that conclusion, but he thought he could establish, however the parties engaged in that rebellion might be blamed, that those men who by their misrule had provoked rebellion, were still more to blame. Those men had<sup>10</sup> in a most arbitrary, tyrannical manner,<sup>11</sup> turned the Government into an oligarchy, that<sup>12</sup> enjoyed nineteen-twentieths of the offices of profit and honor in the gift of the Crown, and which even now enjoyed a very large portion of them<sup>13</sup>, never enjoyed the confidence of the country, never pretended to it, and carried it on in violation of all the principles of the mother country, which ought to be the model for this colony. He had stated during the last sitting that one-seventh of the Crown Lands of the Province had been set apart by that Government for the support of the Protestant Church, and that they were vested in that church alone, contrary to the wishes and interests of the people. He had stated that the Tory party dissolved the Parliaments of Upper Canada the



moment they were going to pass any measure in opposition to the reigning powers. For, although the Parliaments represented the two great parties of the Province alternately, yet, whenever the Liberal party obtained the majority, and were going to press forward those measures which they were most anxious to pass, they were immediately dissolved. Hon. members also knew that there was another House, the mere nominees of the faction that ruled the Province, that put at naught all the offices of the representatives, and threw out nineteen-twentieths of the measures passed by the people's House. The acts of that House were so remarkable, and the influence that guided it so notorious, that the hon. member for Hamilton, or some one equally facetious, said openly, "There goes the House of Lords under Chief Justice Robinson's hat," and the remark was a just one, for he was in reality the House of Lords.--He would ask the gallant knight, if he would deny the fact that his party surrounded every Governor that came out to Upper Canada, instilled into him their own principles, governed him as they thought fit, and absolutely wrote the despatches, which were then sent to England and returned to the Colony? When was there ever a more disgraceful act committed under the canopy of Heaven, than that committed under the influence of the dominant faction by the best (sic) Governor but one of Upper Canada, who, the day previous to his leaving the country, signed fifty-seven deeds in blank, by which he erected fifty-seven rectories in Upper Canada, in direct opposition to the wishes of the people, who were strongly opposed to an Established Church? The hon. member was well aware of that fact himself, and he equally well knew that the people decided that those lands should be appropriated to educational purposes. The hon. gentleman had said himself Tuesday, when he mentioned this subject, that he had voted both ways on that occasion. (Hear, hear.) He did not clearly understand the hon. member at the time, although he understood perfectly well that he would vote any way to keep his party in power; but he (Mr. Price) thought he would be correct in stating that the hon. member and his friends had voted away those Clergy Reserves for the support of one or two Churches, and that they were held over in blocks throughout the Province until they were rendered valuable by the labour of the poor emigrant, and then they were brought into the market. Did the hon. member, or any one else, suppose that such a system of misappropriation, plunder, and oppression would be submitted to in the country which gave him birth? No; and the hon. member who boasted so much of his loyalty, but who showed every time that he addressed the House, that his loyalty was only the loyalty of the pocket, he did not think would submit to it. His (Mr. Price's) party, the same which brought about the revolution of 1668 in England, had been excluded from any share in the Government during a space of fifty years in this country--and yet, any man who had dared to hint at dissatisfaction would have been called a rebel,--but now the hon. and gallant Knight, hoped that he would not be forced to become disloyal, because he and his party were out of office for eleven months. (Hear.)<sup>14</sup> His loyalty had all vanished as soon as he had left office.<sup>15</sup> It was not the £90,000 the Government asked that made him desperate, for they might vote away £90,000 ten times told, if he could get into office, and get the assistance of certain hon. gentlemen to keep him there. The gallant Knight had, as usual, travelled out of his way<sup>16</sup>, he took them across the ocean and read to them extracts from a blue book<sup>17</sup>.

Cries of it was a grey book<sup>18</sup>.

MR. COM. CR. LANDS PRICE ((continued:)) For the purpose of reading a list of the offices held by the Grey family of England, but he had not told the House that Earl Grey, the most eminent statesman of his day, and the most honest, who occupied the highest position among the aristocracy of England, and was revered even by men of the opposite party for his great talents and virtues, had been kept out of office for years, during which he had fought the battle of his country in the Commons and in the Lords, and that while he had not the situation of Prime Minister, he had the patronage of 25,000,000 people and the most powerful<sup>19</sup> and one of the richest nations on the face of the earth<sup>20</sup> at his command. Was it, then, anything extra-ordinary, when that was taken into account, that he gave some eight or ten offices away among the members of his family?<sup>21</sup>

Cries of more than that.<sup>22</sup>

MR. COM. CR. LANDS PRICE ((continued:)) The hon. gentleman should have made a fair comparison between the number of offices held by the Grey family, with the immense amount of patronage in their power, and the number of offices held by one family in Upper Canada, which at that time scarcely contained 200,000 inhabitants.<sup>23</sup> The families of some of the members opposite enjoyed a far greater number of offices than the Grey family ever filled.<sup>24</sup> He did not allude directly to the gallant Knight, for his family was but small, although he too had not come short in the division of the spoils, but to another family represented by an hon. member (Mr. Robinson) opposite. He did not mean to say any thing disrespectful of it, for it was a highly respectable family; and the Chief Justice, a member of it, he would admit, was a credit to his native country. The hon. member for Toronto looked smilingly, and well he might, for his family had also basked in the sunshine.<sup>25</sup>

MR. H. SHERWOOD said he had never held office till the introduction of Responsible Government.<sup>26</sup> Laughter.<sup>27</sup>

MR. COM. CR. LANDS PRICE continued.--For that very reason the hon. member ought to vote with him and his hon. friend, who had been instrumental in introducing it into the Province. He would, however, give a list of the offices held by the family he alluded to; and he would here remark, that although he did not object to the gallant knight's bringing the Grey family into his discourse, the motive for doing so was a very small one.<sup>28</sup> Why did not the hon. member attack other families in England, as for instance the Wellesley family, which would be found to fill a thousand times more offices than the Grey family, even without referring to the reward bestowed on the Duke of Wellington<sup>29</sup> or the Melville family, which also received a great deal more from the public purse. But, as he had said he would read a list of the offices held by the Robinson family in Upper Canada, at a time when the population did not exceed 200,000. There was the Chief Justice receiving £3000. He was the Speaker of the House--in fact, the House itself. Then there was Mr. Peter Robinson, Commissioner of Crown Lands and Keeper of the Woods and Forests, besides some other offices. Then there was the hon. member for Simcoe, who was Commissioner on the Welland Canal at £300 a year.<sup>30</sup>

MR. ROBINSON said he had received £450 a year. He did not wish to have his services undervalued.<sup>31</sup>



MR. COM. CR. LANDS PRICE continued.--He hoped the hon. gentleman had saved the odd £150; in fact, from what he saw of him since he came down here, he was sorry the hon. gentleman's friends had not provided for him better. Then there was Mr. Stephen Howard, Clerk of the District Court; Mr. Charles Howard, his son, who succeeded him; H. C. Howard, who succeeded Charles. Then there was W. Howard, who filled a Clerkship in another Court, the office being in the gift of the Chief Justice. Then there was Mr. Justice Hagerman, who was married to a cousin of the Chief Justice's wife, besides D'Arcy Boulton, Auditor General and Master in Chancery; Lukin Robinson, Reporter of King's Bench, and Charles Robinson, Clerk of Assizes. In all, there were some eleven or twelve offices held by that family, under the Crown in Upper Canada, but he should not have thought of mentioning them if the gallant Knight had not travelled out of his way in order to make an attack on a lady<sup>32</sup> enjoying a very high position in this country.<sup>33</sup>

SIR A. MACNAB denied having intended to attack any lady; he never makes attacks upon ladies.<sup>34</sup>

MR. COM. CR. LANDS PRICE continued.--He was in the wrong then, and yet as that lady was a connection of the Grey family, whom the gallant knight had mentioned in his discourse, he had been uncharitable enough to suppose that was the reason he had done so. He had mentioned some of the grievances of the people, but not all. He supposed he need not remind hon. gentlemen of that system of oppression which had been sufficient to drive men mad. He supposed it was scarcely necessary to mention the name of Gourley, who for merely calling a public meeting, had been arrested, imprisoned, and after having his intellect injured by oppression, banished from the Province, and did not return to it till the new system of Government was introduced. Need he refresh the mind of the gallant knight with regard to the Hamilton outrage, when the Governor was burnt in effigy, and the blame was attempted to be thrown on the liberal party, until it was almost traced by a Committee of the House to their accusers? Need he remind the hon. member of the outrage committed on the brother of Dr. Rolph, who was dragged out of his bed at night by a party of ruffians? In fact the insolence of the party knew no bounds. What was he told by a scion of the aristocracy the first year that he came out to Canada, when he was studying as a law student in the office of that gentleman (Mr. Draper) whose retirement from the late administration was the signal for it falling in pieces. It was in the year 1832, and the emigration was expected to be very large. "Price," said this scion of aristocracy, "did you hear the news from England? 50,000 of your country-men are coming out; there will be no lack of rebels as long as they are in the country." His indignant reply was, "And there will be no lack of scoundrels so long as there are any of your name in the country." (Hear, hear.) Sir F. B. Head then came to be Governor of Upper Canada; he desired to have his own way, fancying that he knew better what they wanted than Canadians knew themselves. He was at once surrounded by the party which had always dictated to the Governor; three Tories were joined to three Reformers in his Administration, and having the casting vote, the Governor himself was the supreme ruler. The Reformers were mere puppets, upon whom, however, there fell all the odium of every unconstitutional act. They resigned, and Sir F. B. Head agitated the country to secure a majority. Was the Queen ever known in England to descend to such a course? Yet Sir F. B. Head not only agitated the country, but he did so personally and unfairly,

if you quarrel with me--such was his declaration--if you quarrel with me, you quarrel with your bread and butter; you are rebels; you are republicans. By the employment of the whole body of office-holders throughout the country, Sir F. B. Head carried those elections; yet, if the whole number of votes were summed up, it would be found that he had but a very small majority of the people, and he soon became the tool in the hands of those who wanted to rule in opposition to the wishes of the people. He carried the elections by cudgels, and by so doing, he provoked--by that joined to a thousand other evils, among others the refusal to obey the command of the sovereign to make Mr. Bidwell a judge--he provoked the rebellion. The rebellion over, the same party obtained confessions from some of the prisoners, and then hanged them between the Court House and the Jail to alarm others into confession also. Then Sir F. B. Head found that he got himself into trouble, and he had got the British Government into trouble also, of such a kind as might have involved the world in war. But what had he done? Was it right for him to send every soldier out of the Province? Was it not his duty to maintain peace, and would he not have maintained it inviolate had he kept one regiment in Upper Canada? But all this was but the consequence of previous acts. Everything had been in Upper Canada for one party, and for one church. Those who came from his native land, unless they fell into the unjust system which then prevailed, were denounced as unworthy to live in Canada. He, himself, was repeatedly told that the institutions of Canada did not suit him, and that it would be better for him to step across the line. He who had not a relation in the world out of his own country was told that he must be proscribed because he was born in England, and it was the men who acted thus who arrogated to themselves all the loyalty of the country. To return to Sir F. F. Head. The verdict of the people, as he himself styled it, was given. The party who had carried the elections, became the tyrant of the Governor; they compelled him to carry out their views, as the tools of the system which they supported. Here he would say that it was at this system he aimed, and not at individuals. It was the bad system which corrupted good men; and it had so corrupted them, that they thought nothing of involving his native country--of involving Great Britain in a contest with the United States. They had swords dangling between their legs, and cared little for expense, so long as they were maintained, in their military glory. All these persons, however, were captains or colonels, except a few, like the hon. member for Kent, who volunteered under the hon. member for Hamilton, without waiting for rank, and was at the storming of Navy Island. For these people, the whigs were a weak cowardly set; and it was asked whether they could allow McLeod to be tried, without driving the Yankees from the face of the earth. They cared nothing for the loss of 100,000 or 200,000 lives, and millions of pounds. They have enjoyed their £1000 or £2000 per annum, and Sir Allan McNab would have been the great captain of the war. But nineteen twentieths would have remained quietly in their private dwellings, far away from cannons and cannon balls. Was not the Caroline burned for, with the express intention of involving the two nations in a contest?<sup>35</sup>

SIR A. MACNAB said No.<sup>36</sup>

MR. COM. CR. LANDS PRICE ((continued:)) Well, war was certainly the probable result. It was under these gentlemen opposite, that the system



of Government was carried on, that had led to all the evils to which he had alluded. Some head clerk on Downing street, dictated to by some one person in the Province, was the virtual ruler of Canada.<sup>37</sup> The hon. member then went on to say that the rebellion and Lord D.'s report were the first things which opened the eyes of the British Government to the state of things which subsisted in Upper Canada.<sup>38</sup> Lord Durham ... came out--the man who had made the autocrat of Russia tremble before British power, volunteered at the desire of his sovereign, though in a bad state of health, in order that he might find out the cause, and if possible, contrive a remedy for the evils with which Canada was afflicted.<sup>39</sup> And how did he succeed? His attache's examined everthing throughout the whole length and breadth of the land, and by that means<sup>40</sup> he did find out the cause, and it was published in that report, which the hon. and gallant knight alleges was drawn up by Wakefield, but which was in fact the work of Mr. Buller.<sup>41</sup>

SIR A. MACNAB--One half was drawn up by Wakefield, and partly by Buller.<sup>42</sup>

MR. COM. CR. LANDS PRICE.--Which half did the one draw up and which the other? The hon member could not distinguish between them. At any rate, the reason for the evils of the country were discovered<sup>43</sup> ((and)) the remedy ((proposed.))<sup>44</sup> And had not Lord Durham been basely deserted through the deliberately formed plan of Lord Brougham to trip up his heels, he would have made the country powerful and wealthy--a place to which British subjects could emigrate with pleasure, and feel themselves under the influence and protection of their native land. Lord Durham was deserted, and he resigned. It was the course he (Mr. Price) would have taken; for he would never have consented to stay in a society in arms against each other, unless he were properly supported by the Government who sent him. That Report gave power to the people to manage their affairs. It just gave to Canadians the spirit and essence of the British Constitution. It was a report that would go down to posterity, and would be looked on as the Magna Charta of every nation which should hereafter arise from Britain's Colonies. The hon. members opposite even did not object to the system introduced by that Report, so long as they were in power; but now the hon. and gallant Knight attempted to create prejudice among French Canadian Members, by telling them that the Union was contrived to put down the Lower Canadians. That was not so. He (Mr. Price) supported the Union, though out of Parliament, because he knew it would make Canada powerful--would unite the liberal and the good of both sections of the Province, and effect the death of Toryism in Canada. But what did the hon. members opposite, when they found that the Union would be carried? They carried an Address to compel the persons born in the country to talk the language which they talked, whether they knew it or not. They desired to give Lower Canada, with 700,000 persons, fifty Members, while Upper Canada had sixty-two, and then they thought they would be able to keep these foreigners, as the hon. and gallant knight called them obedient and loyal. The hon. and gallant Knight had not dreamed how impossible it is to reconcile any people by proscribing their language and opposing their wishes. He should rather have shown these persons how much it was for their true interest to be united to Upper Canada; how surely they would by that means, obtain those rights for which they, as well as the people of Upper Canada, had been so long contending. The hon. and gallant Knight

sought to show that the hon. Member for the North Riding possessed no influence in Upper Canada. Let the hon. Member look at the election returns, and he would find that while his own friends represented 289,000 persons, the reformers represented 1,202,000. If the hon. member desired to have his name handed down to posterity with credit, he would adopt a very different line from the course of misrepresentation by which he was distinguished in debate. He stated that the hon. member for North York was beaten at Hastings. He was beaten, it was true by bludgeons; but to day Hastings was represented by one of his friends. It was also said he was beaten for the second Riding of York. True: but it was because he long refused to stand, and because at the hustings a letter from him was made use of to show if he were elected it would only lead to the trouble of a second election. Even then he was in a minority of only fifty votes, on that occasion no less than seven members offered to resign in his behalf, and the Riding was now represented by a liberal. Did the hon. and gallant knight, however, represent any one in Upper Canada? He went in to the county of Wentworth, though having been committed to jail by the reformers, at that time in the majority of Parliament--in consequence of their persecution, as it was called, and of the bad stand he took in defying them; but he had since been compelled to seek refuge in Hamilton, then a small place, but now become an important city. He challenged hon. Members on the other side to trip up the heels of the Government, if they could do so by fair means; but let them not get up the hackneyed and unfair cry of Rebels. On the very day of his own election, up came a long letter from the hon. Member from St. Maurice, on the head of which was written, the letter of L. J. Papineau, with whom Baldwin, Price and Cameron sympathize. He was able to answer that by a short letter, in which he showed that the Ministry themselves were the parties who had invited the hon. Member to return to the country; that his brother held the office of Commissioner of Crown Lands; that his cousin was the Prime Minister, and that Mr. Papineau himself been paid £4,300 by then advisers of Her Majesty's Representative. He never blamed those who paid that sum for it was due: but this brought him to the real question. If you have paid that £4,300, by what right do you refuse to pay outrage caused by the Goths and Vandals, who had desolated the Province from one end to the other? Was it too much to appropriate for such a purpose, not £200,000 as had been repeatedly stated, but £100,000, of which £10,000 had already been appropriated? Was it too much to carry out the pledge given when the war losses of Upper Canada were paid, that those of Lower Canada should be paid also? The late ministry had appointed a committee expressly to investigate the damages caused by the rebellion in Lower Canada, and also "those arising out of the same." Did the present ministry go farther? Did they propose more than was contained in the letter of Mr. Daly to the Commissioners "on the distinction between loyalists and others--It is not the intention of His Excellency, that you should be guided by other evidence than that afforded by the decisions of the courts of law." The honorable and gallant knight, even, said he would not object to pay the losses sustained by persons not engaged in the rebellion. Now, of what were the bulk of all the losses composed? Nine-tenths of them were for damages committed, ten or twenty days after the rebellion was put down. Persons scoured the country, and according to the newspaper account of the day, the country south of the St. Lawrence, was one blaze of fire. He would put one case--was it just, that the creditors of a person engaged in the rebellion should suffer by damage done wantonly, after the rebellion was extinguished?



(Cries of Yes.) If the hon. member for Hamilton had a mortgage on Montgomerie's house, which was unnecessarily destroyed by Sir F. B. Head, was his loyalty so overpowering, that he would not ask to be paid?<sup>45</sup>

MR. H. SHERWOOD: not out of the consolidated fund.<sup>46</sup>

MR. COM. CR. LANDS PRICE ((continued:)) The hon. gentleman knew, that in such a case, he would have put in his claims, and would have been paid. Now, the hon. member for Hamilton had expressed a hope, that he might never be induced to forget his loyalty to his Sovereign.<sup>47</sup>

SIR A. MACNAB.--Had not said that. What he said was, that the people of Upper Canada would be disgusted, if, having put down the rebellion, they were called on to pay the losses of the rebels in Lower Canada. That it might be a question, whether these colonies should remain a portion of the Empire; but that it would be melancholy, if history should record the fact, that they were lost by encouraging rebels, and disgusting loyal men.<sup>48</sup>

MR. COM. CR. LANDS PRICE continued.--He felt satisfied at any rate that the hon. member would have a great deal more loyalty, if he occupied some other place than the one he now did. Of what did the hon. and gallant knight complain? Had he put the question of paying these Rebellion Losses on its merits? The hon. gentlemen opposite appointed a Commission, who took evidence on the subject of the losses, to the tune of £180,000; they passed an Address to the Head of the Government, praying that a measure might be adopted to secure to the inhabitants of Lower Canada, indemnity for the just losses sustained by them during the rebellion of 1837 and 1838. That is exactly what we want.<sup>49</sup>

MR. H. SHERWOOD.--You want the most unjust losses paid. (Hear, hear.)<sup>50</sup>

MR. COM. CR. LANDS PRICE.--How did the hon. member know what they wanted? They were adopting a precisely similar resolution to the one he had referred to; and yet, after having done that, led Upper Canada to believe that they were willing, if the Parliament would pay the losses of Upper Canada, to pay all just claims sustained during the rebellion in Lower Canada, the hon. members came forward in this manner. Had they taken any objection to the mode in which it was proposed to pay the losses--out of the Consolidated Fund? Were not the Rebellion Losses of Upper Canada taken from the Consolidated Fund?<sup>51</sup>

Loud cries of "No!" from the Opposition<sup>52</sup>.

"Yes, certainly!" from the Treasury Benches.<sup>53</sup>

MR. COM. CR. LANDS PRICE ((continued:)) Was not the portion of the revenue which was set apart for the payment of the Rebellion Losses a part of the Consolidated Fund of United Canada? ("Hear, hear," and "No! No!") The hon. member for Kingston would not surely deny that it was taken from the Consolidated Fund for a special purpose. ("No! No!") There was no use attempting to discuss the question, which the hon. members would only quibble about.<sup>54</sup>

MR. SHERWOOD.--Take from the same revenue we took from.<sup>55</sup>

MR. COM. CR. LANDS PRICE read from the Act, passed for the purpose, a passage providing that the rates and duties now raised, levied, and collected, and

in the hands of the Receiver General and unappropriated, there be granted to Her Majesty a sum not exceeding £-0.000 for the payment of all and every of the rebellion claims, &c. Now, if the hon. gentlemen were really sincere in their desire to promote the harmony and prosperity of the Province, and produce satisfaction and contentment amongst the people, would they, after having adopted the address he had alluded to, and the doctrine laid down in that address, would they now make objections, such as these, to the proposition of his hon. friend? The hon. gentlemen opposite assailed every man in the Province, from the Representative of the Sovereign down to the humblest member on the floor of the House, as they had ever assailed them, as rebels and disloyal men. Yes, from Lord Durham and Lord Sydenham, to Sir Charles Bagot, and down to the present respected Governor, their plan had not been that manly, straightforward course that would be taken in England. (Cheers.) Had they not through their Press and themselves, unconstitutionally, unfairly and wickedly assailed the Head of the Government, (cheers) just simply because the Head of the Government had come out here to carry out the wishes of the Sovereign in promoting the welfare and good Government of the country, and establishing a system of Government in harmony with the Government of the Mother Country. (Cheers.) Why did they not assail the Ministry--take the legitimate means of overthrowing it, instead of travelling out of the way and assailing the distinguished individual who was not in a position to answer them? (Cheers.) The hon. gentlemen hoped by this course again to assume the power of which an indignant country had stripped them, and which would never again be restored to them. (Cheers and counter cheers.) It had long been the policy of the hon. gentlemen to represent to the Home Government that all who took a prominent part in opposition to themselves, were disloyal, and marked them as rebels. This had been the system pursued at the Colonial Office until Lord Durham came here and taught the Home Government that by allowing the people to govern themselves they would allay the existing confusion and promote the happiness and contentment of the people of Canada, as well as the ease and comfort of the Government of the Mother Country. He should not prolong the debate much longer, but give place to one who would advocate the resolution much more effectively than he (Mr. Price) was able to do, but he could not resist the inclination of throwing back in the teeth of the hon. members opposite, the imputations of "disloyalty" which they cast upon himself and his hon. friends around him. (Cheers.) Mr. Speaker, (said the hon. member,) I am an Englishman, and I glory in the name. (Cheers.) I was born in England, my family are English, and my name and language denote that I am one. I came to this country because it was a British Colony, and I expected that here I was not going to be deprived of my rights as a British subject. Because I happened to leave the land of my birth, I was met by the aristocracy of this country with the name "rebel," long before I had known or thought of the grievances that had reached such magnitude in this country. They call me "rebel" and "disloyal," and they have called the men who worked with me disloyal also. What has been our aim and the result of our exertion? Our aim has been to establish here the British Constitution in its purity and excellence. Their aim has been to establish a despotism, more accursed than any other, for the despotism of an oligarchy is more unsatisfactory and undignified than any other. (Cheers.) I have been called, Sir, "a rebel," because I wanted to establish, in its integrity,



that constitution which has given liberty to my native country; I have been called a rebel by those Tories whose sole loyalty depended on their retaining office (loud cheers) which they had most unjustly got. (Hear, hear.) And you, gentlemen, (turning to the Lower Canada Reformers,) have been called upon--<sup>56</sup>

MR. MORIN the SPEAKER called the hon. member to order for not addressing the chair.<sup>57</sup>

MR. COM. CR. LANDS PRICE explained that he had intended to address the hon. members through the chair, but had turned towards them for the purpose of being heard better. He then continued:--I have been called disloyal, but let the hon. members point to one act in my life of disloyalty; let them go to the city where I have lived for the last twenty years, and ask their own political friends if the member for the First Riding of York has ever been guilty of one disloyal act. (Loud cheers.)<sup>58</sup>

MR. H. SHERWOOD.--No one ever said that you were disloyal.<sup>59</sup>

MR. COM. CR. LANDS PRICE.--The hon. gentleman has called us all disloyal, and if he accuses my friends around me, he accuses me; and I wish to be accused in company with them. He has also said a great many other things, which I dare say he did not mean. Yes, Sir, I drew my breath in England, and learned my politics there. I did not come here to learn them from my hon. friend for the fourth Riding of York, or from the gallant Knight from Hamilton. I knew what civil and religious liberty meant long before I knew Canada. (Cheers.) And, Sir, I have been, and so have all my family ever been the friends of civil and religious liberty; and whilst I have health and existence, I will maintain the desire to promote that liberty which I claim for myself amongst every part of the community in which Providence has thrown my lot. The nation, Sir, that I can boast has given me birth, is a nation of patriots. The cradle of liberty was my native country; the harbinger of nations--the emporium of the world: her constitution, her glory--her statesmen, her pride--her merchants, her princes--the asylum of the persecuted of all nations--the land of the free, the glorious, and the brave. (Loud cheers.) I am a Briton, Sir, and if they dare call me disloyal and a rebel, I'll fling back the expressions in their teeth. (Cheers again.) It would be more becoming and dignified to the hon. and gallant Knight from Hamilton, if, instead of so frequently casting imputations like this, he sought to know a little more of constitutional liberty, and the liberty of the subject. There is but one step to be taken, and the gallant Knight will be as desirous as any man in the House of giving not only £90,000, but four times that sum for those who suffered in the rebellion; and that step is to put the hon. and gallant Knight in a certain position which he does not now occupy. (Hear, and laughter.) I feel strongly in this matter, because we are not fairly treated. Let the hon. gentlemen bring forward their arguments,--let them agitate the country,--let them condemn us. I am prepared to meet it; but let them do it fairly. There is not a man on the floor of this House who can say I ever insulted or imputed motives to him; and is it right that gentlemen on the other side of the House should dare to presume to call me a rebel?--We do not often get much classical lore in the House. Sometimes we are treated to something of the kind by the hon. member for Sherbrooke; he sometimes calls a few flowers, and diffuses the perfume around him, and sometimes crosses over here. I may, therefore, be permitted to make--per-

haps not exactly not exactly a classical quotation, but one from a ballad written by a countryman of my own:--

"Pity the sorrows of a poor old man,

Whose trembling limbs have borne him to your door;

Whose life had dwindled to th shortest span,

Oh! give relief and--I will ask no more."

(Cheers and laughter.) Now, Mr. Speaker, you are a friend to your country, and a disinterested man; then just resign your seat, and come down on the floor of this House. The hon. member sat down amidst loud cheers and laughter.<sup>60</sup>

MR. ROBINSON and SOL. GEN. BLAKE rose together<sup>61</sup>.

MR. MORIN the SPEAKER ... decided in favor of the latter.<sup>62</sup>

MR. SOL. GEN. BLAKE.--I rise, Sir, under the influence of the most painful feelings, to offer a few observations on the present motion. I have witnessed the course pursued by honorable gentlemen opposite with bitter disappointment and regret.<sup>63</sup> Under his hon. friend the Attorney General West, they were fighting, as they thought, the battle of the Constitution, they were saluted from the other side of the House with the universal cry of being men of<sup>64</sup> mere theory; that my honorable friend from North York was a man of one idea, and that one idea was Responsible Government<sup>65</sup>. They were taunted with being unable to take a single practical step to govern the country,<sup>66</sup> whilst to the honorable gentlemen on the other side was confined all the talent for the practical administration of the country. Who can forget the pompous manner in which those gentlemen in office proclaimed themselves to the country as the true supporters of<sup>67</sup> the Constitution and Responsible Government<sup>68</sup> then established, as they vouchsafed to inform us; and who can forget the vehemence with which the honorable gentlemen around me were denounced as agitating the country for mere party and personal purposes?<sup>69</sup> Not for the purpose of obtaining any practical end, but merely in order to upset the hon. gentlemen opposite.<sup>70</sup>-- Measures, and not men, was then the watchword, I confess, Sir, that having in view these often repeated declarations of the gentlemen opposite; when I saw Her Majesty's Ministers in this Province meet the House without a single allusion in the Speech from the Throne respecting the theory of our Government--without one word from this side the House respecting the principles of our constitution--a topic fatal to the character of a statesman, in the opinion of the honorable members opposite; when I saw my honorable friends come down to the House with numerous measures all tending to the practical well being of this country, I did hope that honorable members would have pursued a different course--I did hope, Sir, that in discussing the resolutions founded upon the proceedings taken by honorable gentlemen opposite but two short years since--resolutions following the precedent afforded by these gentlemen to the very letter; I did hope, that<sup>71</sup> when the question would have looked a little to the condition of the country at the time those losses were incurred,<sup>72</sup> and the position of those honorable gentlemen themselves<sup>73</sup> and would have troubled the House with one or two observations at least having some bearing on the question. (Hear.)<sup>74</sup> If to-day it is to be considered unsafe to pursue the course marked out by the honorable gentlemen opposite yesterday, I did hope, that we should have heard a frank avowal of the causes of this change, and a statesman-like view of that condition of the country which has, no doubt, originated and which justifies so entire and so singular an alteration in the views



of the honorable members opposite.<sup>75</sup> But if he was unprepared for the extraordinary discussion which he had heard from the commencement of this Session, he was still less prepared for the extraordinary course taken by the hon. gents. on the opposite side, and the unparliamentary discussion of the last day. Had not the hon. members opposite during the last Parliament proposed to pay the very losses, as submitted in the resolution of his hon. friend? Had they not done it for the base purpose of corruption? (Cheers.)<sup>76</sup> Has their course been a fair, manly discussion of the measures of Government upon their merits? Are they not in their factious opposition to the Government jeopardizing the well being, the very existence of their country? They have recklessly seized the torch of discord which we had hoped had long since been extinguished, and lighted it anew through the length and breadth of our country, regardless though this wanton procedure should involve in anarchy and ruin the whole frame and structure of our social system<sup>77</sup>, reckless and regardless of the peace and happiness of the country<sup>78</sup>. They, par excellence, the loyal subjects of our Queen--regardless of the best interests of the human race, dare to take this torch of discord, and cast it flaming amongst the inhabitants of the country. (Loud cheers.) I did feel disposed, Sir, when I entered the door this morning and heard some conversation passing between honorable members on the other side of the House respecting the proposition of my honorable friends, I did feel disposed to advise them to move an amendment, and propose the erection of a gibbet before every French Canadian's door, and offer up an holocaust of 700,000 men to appease the British feeling of Canada.<sup>79</sup> (Cheers.)<sup>80</sup> He was looking at one hon. member (Col. Guly) who laughed, and who would laugh amidst the ruin he was seeking to draw down upon his country. He envied not the feelings of that hon. member; perhaps the country knew what those feelings were before now--(Hear, hear)--perhaps it did not want that laugh to stamp his character. (Loud and continued cheering.)<sup>81</sup> In considering whether I, as one of the representatives of the people of this Province, can concur in the resolution of my honourable friend at the head of the administration, for the payment of the just losses incurred during the unhappy troubles of 1837 and 1838,<sup>82</sup> he (Mr. Blake) proposed to take a different course from the line of argument pursued by the gentlemen opposite.<sup>83</sup> I have felt it important to look at the practical working of the Government of these Provinces prior to those unhappy troubles. I have felt it important to consider the circumstances in which the people of these Provinces found themselves placed in regard to that Government, prior to and during those troubles; and, it seems to me of some importance also to review the occurrences of that unhappy period.<sup>84</sup> He proposed to ask the House, whether, in the year 1836, that preceding the rebellion, the notions of constitutional liberty and freedom which then prevailed with the hon. gentleman, whether the doctrine which they then gloried in, was a doctrine which they could uphold to-day?<sup>85</sup> I am ignorant of the dangerous ground over which I propose to tread; I know what risk I run in addressing those who put words and sentiments in the mouths of the gentlemen at this side of the House which no promptitude or clearness of correction can induct them to acknowledge, when it suits their own purpose. I know not what my honourable friends who are of the Cabinet may think on this subject. I speak my individual sentiments, I speak with no other authority than that which may belong to the weight of argument which I shall ask permission to submit to the House. But, sitting here, and filling the situation which I have the honour to hold,

I would scorn to speak any other language than that which I should use were I seated on the benches opposite.

In considering, then, the Government of these Provinces at and prior to 1836, I shall not consult newspaper history. I shall state nothing to the House upon my own information on this subject; though that, too, is tolerably accurate and extensive. I shall confine myself to the history of the Provinces, as it is to be found in the State Papers and Records now lying before me, published by the British House of Commons. I shall rely not merely upon the statements of those men who may be regarded as the exponents of liberal principles in England, but I shall refer to the declared opinion of the distinguished advocates of Conservative doctrine-- authority from which honourable gentlemen opposite can hardly dissent. Upon the authority, Sir, of no less a statesman than Lord Aberdeen,<sup>86</sup> Colonial Secretary in 1835,<sup>87</sup> I aver that, in 1835, although much had been done, this Province of Lower Canada had grievances to complain of "neither few nor inconsiderable"<sup>88</sup>. He admitted, in his despatch in an answer to the ninety-two resolutions proposed by the Lower Canada members, that the administration of justice--that first great want of every people--was impure and not to be trusted.<sup>89</sup> The completion of the Executive and Legislative Council called for immediate and extensive alteration, rendering, as they did, the representative system little better than a mockery;--that the course of conduct which the Representatives of our Gracious Sovereign had felt at liberty sometimes to adopt towards the House of Assembly of that Province, was such as did not meet the approval of Her Majesty's Ministers in England;<sup>90</sup> ... and that in part as the cause, and in part the consequence of this state of things, all the offices and emoluments, the entire power and patronage of the Crown, was enjoyed by persons of British birth, to the utter exclusion of our fellow-subjects of French origin. But, whilst I rely with great confidence on the opinion of Lord Aberdeen, expressed in his deliberate instructions to Lord Amherst, I frankly confess to the House that I had purposed to refer more extensively to the views of Lord Durham, as recorded in his very able Report upon the condition of these Provinces.<sup>91</sup> Were the hon. members opposite about to vote on this question and to speak on it without quoting the opinion of a single statesman who had ever spoken or written on the subject?<sup>92</sup> I had purposed to trouble the House with a more extensive statement of those opinions and views of Lord Durham because I considered them as eminently entitled to the respect and confidence of this House, not only as emanating from a great statesman, who had carefully considered the whole subject, but further as proceeding from one who, from personal enquiry and investigation in these Provinces, must be supposed to have had the most ample means of forming a sound judgment. I am here, however, met in limine with the argument of the gallant Knight, the Member for Hamilton,-- "that nothing proceeding from that quarter can be entitled to much respect--that Lord Durham had not in fact read three lines of his Report at the period of his publication, and that had a common soldier acted as Lord Durham had done he would have been shot."<sup>93</sup> And while he pronounced the death warrant of the late lamented Lord Durham, he likewise pronounced a eulogy on his beloved Sir F. Bond Head.<sup>94</sup> What, Sir, when the honorable and gallant Knight makes such observations as those, does he forget, that it was not in Canada Lord Durham learned his statesmanship? Does he forget that the first effort of this illustrious nobleman on his entrance into public life was an indignant protest against the transfer of Norway to



Sweden? Does he forget that<sup>95</sup> from his first appearance in Parliament, in 1813, he stood forward the resolute friend of civil and religious liberty. (Loud cheers.) One of his first great efforts was in favour of Lord Grey's Reform Bill<sup>96</sup>, the imperishable monument of the patriotism of Lord Grey? Is the honorable and learned and gallant Knight ignorant that when an effort was made to alleviate the sufferings of unhappy Poland,<sup>97</sup> when their existence was threatened by the tyrant for whom the hon. gentlemen opposite had, doubtless, a high admiration<sup>98</sup>, the lamented Lord Durham was selected by His Sovereign as the most fitting instrument in this holy cause?<sup>99</sup> In 1835, so noble and independent was he, that he was looked to as the great head of the Liberal party of that day. (Hear, hear, and cheers.) If the gentlemen opposite chose to make such reckless assertions as this, all he (Mr. B.) would say was, that they would not derive as much credit from their Parliamentary as from their military career. (Cheers and laughter.) If the gallant Knight had consulted the Parliamentary debates in England, he would have seen that not one voice was raised either in the House of Lords or Commons to oppose the commission of Lord Durham. He was looked upon by men of all parties as well fitted to remove the confusion and disturbance that then existed in this country<sup>100</sup> in that critical and most difficult period of our history<sup>101</sup>. They wanted, perhaps, the far-seeing philosophy of the gallant Knight from Hamilton! The hon. member should recollect what part he took at the time when large meetings were called in Upper Canada to protest against England's recalling Lord Durham: he should recollect that a dignified churchman, the Bishop of Toronto,--a man possessing more brains than all the rest of the party put together (great cheering), who mixed a little politics with his religion,--called a meeting at Toronto, and spoke in what he (Mr. Blake) should call somewhat insolent language against his recall.<sup>102</sup> Why, Sir, Lord Durham left this country on the 1st of November, 1838, he arrived at Portsmouth on the 26th of the same month. Parliament only assembled on the 6th of February in the following year, and upon that day, before the Speech from the Throne had been answered, Lord Durham, having had his Report already printed by the permission of Her Majesty's Ministers, stood up in his place in the House of Lords and asked the First Lord of the Treasury why his Report upon Canada had not been even then placed on the table of their Lordship's House? And we are told that a statesman of such eminence in discharging a duty so important, published this Report, under such circumstances, without even a perusal!! Here, Sir, however the critical acumen of the learned Knight comes to his assistance, and he informs us without the least hesitation that one half of the Report is the work of a Mr. Wakefield, (whose ... character the gallant Knight has described with his own peculiar delicacy of language,) and the other half<sup>103</sup> of the late lamented Mr. Buller, the principal Secretary of Lord Durham. ((But)) it seemed that the gallant Knight, with all his literary skill (a laugh), was actually unable to inform his friend, the Commissioner of Crown Lands which part of Lord Durham's Report had been written by Mr. Wakefield, and which by Mr. Buller. If any one could do it, the hon. Knight ought to be able to do it; for he had been intimate with Mr. Wakefield, and<sup>104</sup> if the opinion of persons who had much to do in the events of those times be worthy of any reliance, the gallant Knight from Hamilton and his friends have no inconsiderable debt of gratitude to pay to that gentleman for services in a period of our history not yet quite

forgotten.<sup>105</sup> "Hear." His (Mr. Blake's) friends around him swell nothing to a "convicted felon." (Great cheering.)<sup>106</sup> It would, however, have been only candid in the honorable member to avow frankly that he makes the assertions which he has adventured, upon the authority of Sir Francis Head, and surely, this House will not forget that information coming from such a source is somewhat questionable. But though the authenticity of that Report did admit of any doubt, all candid enquirers will, I think, confess that no such doubt can exist respecting the Despatch of August, 1838--a Despatch strictly confidential, written at a time when difficulty had occurred between the High Commissioner and Her Majesty's Ministers--a Despatch communicating in a manner the most unreserved, the information which Lord Durham had obtained from personal observation, and the conclusions at which he had arrived from such information. And, as candor must admit that the opinions expressed in that Despatch were the opinions of Lord Durham, so I think this House will believe the Report to which I alluded to contain His Lordship's deliberate judgment, so far at least as that coincides with the opinion to be found in the confidential Despatch of which I am speaking. To this test I am willing to submit. Everything upon which I rely in that Report, will be found amply confirmed all through the official correspondence of Lord Durham, in a way the most convincing to any one who will prefer clear, internal evidence to mere interested statement--sound argument to idle assertion.

In the opening part of the Confidential Despatch, Lord Durham, observes:--

"My Lord,--The information which my residence here has enabled me to obtain as to the condition of the two Canadas, is of such a nature as to make me doubt whether, if I had been fully aware of the real state of affairs in this part of the world, any consideration would have induced me to undertake so very difficult a task as is involved in my mission. I do not, however, wish it to be understood that I consider success impossible. On the contrary, I indulge in a hope that if the difficulties and dangers that are now so apparent to me are appreciated by Her Majesty's Government, so as to lead to the adoption of measures sufficiently comprehensive and decided to meet the emergency the objects of my mission may be accomplished.

"My sole purpose, therefore, in adverting to circumstances which threaten a difficult result, is to impress upon your Lordship my own conviction which has been formed by personal experience, that even the best informed persons in England can hardly conceive the disorder or disorganisation which to the careful enquirer on the spot is manifest in all things pertaining to Government in these Colonies. Such words scarcely express the whole truth, not Government merely, but society itself seems to be almost dissolved; the vessel of the State is not in great danger only, as I had been previously led to suppose, but looks like a complete wreck. It is needless to point out the wide difference between this representation and the opinions on the subject which were and probably still are held by Her Majesty's Ministers; but since one who had the benefit of whatever information they possessed is nevertheless compelled to acknowledge that the truth as it now appears to him, differs so much from his previous conceptions of it, what can he infer, but that distance has precluded them from acquiring an accurate knowledge of the whole subject? This is my belief, and it becomes, therefore, an imperative duty on my part to convey to your Lordship the exact impressions which I have derived from personal enquiry and observation. I will not shrink from the performance of that duty."



And after the discussion of matters with which I do not desire to trouble the House the noble Lord continues:--

"That this should be the case is really not surprising, when one discovers how all the ((parts)) of Government have been neglected and abused for many years past in this Colony. Not to go father (sic) back than the commencement of the serious differences between the Canadians and the British as such; since when, the two branches of the Legislature have neglected their proper functions to pursue the contest between races. A long time has passed, without any thing like beneficial legislative laws; not a few of the many evils resulting from this perversion of legislative powers have, by a very natural mistake, been attributed to neglect and corruption in the Executive. At the same time, it must be confessed, that the Executive has been both neglected and corrupt. I need not remind your Lordship of those flagrant instances in which the Imperial Government has been led to interfere for the correction of administrative abuses; nor is it a fit occasion for entering on that subject in detail, but I am bound to add, that the Government of this Province, including the administration of Justice, has not obtained the respect of the people, and that according to all my information, there has been ample ground for the distrust and suspicion with which authority is regarded."

Now, Sir, there is no language in the whole compass of that Report stronger than what I have just cited to the House, and there is nothing more which I require to sustain the argument which I mean to press upon the attention of honorable gentlemen of all parties. I only refer to the Report itself, therefore, as amplifying that which I have already quoted, the deliberate judgment of Lord Durham, upon more extended information. At page 29 of this Report, published by authority of the British House of Commons, we find the following passage:--

"The powers for which the Assembly contended appear in both instances to be such as it was perfectly justified in demanding. It is difficult to conceive what could have been their theory of Government who imagined that in any Colony of England a body invested with the name and character of a Representative Assmbley could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature. It was a vain delusion to imagine that by mere limitations in the Constitutional Act, of an exclusive system of Government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the Provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator, while those laws were carried into effect or evaded, and the whole business of the country was conducted by men in whose intentions or capacity it had not the slightest confidence. Yet such was the limitation placed in the authority of the Assembly of Lower Canada; it might refuse or pass laws, vote or withhold supplies, but it could exercise no influence in the nomination of a single servant of the crown. The Executive Council, the law officers, and whatever heads of departments are known to the administration system of the Province, were placed in power, without any regard to the wishes of the people or their representatives; nor indeed are there wanting instances in which a mere hostility to the majority of the Assembly elevated the most incompetent persons to posts of honor and trust. However decidedly the Assembly might condemn the policy of the Government, the persons who had advised that policy retained their offices and their power of giving bad advice.

If a law was passed after repeated conflicts, it had to be carried into effect by those who had most strenuously opposed it. The wisdom of adopting the new principle of Representative Government and facilitating the management of public affairs entrusting it to the persons who have the confidence of the representative body, had never been recognised in the Government of the North American Colonies. All the officers of the Government were independent of the Assembly; and that body, which had nothing to say to their appointment, was left to go on as it best might with a set of public functionaries whose paramount feeling may not unfairly be said to have been one of hostility to itself."

Again at page 30:--

"It is difficult to understand how any English statesman could have imagined that representative irresponsible government could be successfully combined." And a little further on:--

"To suppose that such a system would work well there implies a belief that the French-Canadians have enjoyed representative institutions for half a century without acquiring any of the characteristics of a free people: that Englishmen renounced every political opinion and feeling when they enter a colony, or that the spirit of Anglo-Saxon freedom is utterly changed and weakened among those who are transplanted across the Atlantic. It appears therefore, that the ... of the Assembly of the Government was the unavoidable result of a system which stunted the popular branch of the Legislature of the necessary privileges of a representative body, and produced thereby a long series of attempts on the part of that body to acquire control over the administration of the Provinces."

I am loth, Sir, to trespass on the patience of the House with any further reference to this document, but as the subject is one of vast importance in the decision of the question now under the consideration of the House, I shall ask permission to read another passage, and it shall be the last.

"I do not think that I necessarily cast any stigma on my predecessors in Lower Canada or in the uniform good intentions which the Imperial Government has clearly evinced towards every class and every race in the colony, when I assert that a country which has been agitated by these social and political dissensions has suffered under great mis-government, the blame rests not on individuals, but on the vicious system which has generated the manifold and deep rooted abuses that pervade every department of the public service, and constitute the real grievances of the colony.

"These grievances are common to the whole people of Lower Canada, and it is not one race or one party that suffers by their existence; they have hindered the prosperity and endangered the security of all; though unquestionably the interests which have most materially been retarded by mis-government are the English. From the highest to the lowest officers of the Executive Government no important department is so organised as to act vigorously and completely throughout the province; and every duty which a government owes to its subjects is imperfectly discharged."

And now, Sir, I put it to the candor of honorable gentlemen on both sides of the House, whether I have not established upon the most undoubted evidence, that great disorders had existed in the Government of these Provinces prior to 1837 and '38. Have I not shewn that the right to control the public purse, the very key stone of English liberty, was but imperfectly conceded? Have I not shewn that the administration of Justice in Lower Canada at least was gravely suspected? Have I not shewn that the composition of the Legislative and Executive Council was such as to render



our representative institutions almost a mockery? What vestige had we of that distinguishing feature of the British constitution, ministerial responsibility--that feature, I say, by which the monarchical and democratic principles have been so happily reconciled, contributing each in its place harmoniously and effectively to the public welfare? I ask honorable gentlemen opposite whether such a state of things could have continued in England for one moment? I ask them whether it ought to have continued here? But, whilst disorder of so grave a character existed in the government of this Province, whilst the very principles of our constitution, as then contended for, were such as could not fail to produce collision and disorder fatal to the stability, to the very exercise of our institutions, what one act have honorable gentlemen opposite ever done to remedy these pressing evils? When did they sacrifice place or power to reconcile the prerogative of the Crown with the liberties of the people? And yet, whilst neglecting the gravest duties of public men, honorable gentlemen opposite are continually referring to this unhappy period of our history, as though their preceding public conduct had rendered them worthy of all praise. Honorable gentlemen on this side the House are taunted in a manner so insulting, and in language little parliamentary, as though their long and anxious struggles after British Liberty, had rendered them justly obnoxious to every reproach.<sup>107</sup> They were told by hon. gentlemen opposite that in 1837 there was a grievous rebellion, and that they were "loyal", and no man should dare to call them rebels.<sup>108</sup> I shall, however, take leave to tell honorable gentlemen opposite, that true loyalty which they so much affect, guards the liberty of the subject, with a care at least equal to that with which it protects the prerogative of the Crown.<sup>109</sup> (Cheers.)<sup>110</sup> That loyalty, which is ever ready to extend and strengthen the prerogative of the Crown by stinting and limiting the liberties of the people, is not loyalty; it is slavery--it can not result in strengthening the connection of this country with England but must tend to weaken the allegiance of the people of the Province by depriving them of their rights as British subjects, which, as a free people they so ardently love.<sup>111</sup> (Cheers.) And let the hon. members stand up if they could and disavow that he (Mr. Blake) should read from their own records, or he would tell them to their teeth that they were traitors to their country. (Cheers and counter-cheers.) The hon. members laugh.<sup>112</sup>

MR. H. SMITH (Frontenac).--We always laugh at anything ridiculous.<sup>113</sup>

MR. SOL. GEN. BLAKE.--They should then never cease laughing at their own words. (Laughter.) He knew the difficulty of the position in which he stood; he knew that the hon. gents. opposite would put words into a man's mouth that he never uttered; he knew that they would persist, hour after hour, in attributing sentiments to a man which he never uttered. (Hear, hear, hear.) He (Mr. Blake) spoke not as a member of the Government, he spoke his own sentiments; but he would scorn the man who when sitting on these Treasury Benches would use any language--who when in possession of power and place would descend to anything, would get up when he went to the other side and attempt to fling the torch of discord amongst his countrymen. (Loud cheers.)<sup>114</sup> If honourable gentlemen opposite, would look a little into the passage of history, they would find that loyalty of the peculiar stamp which I have described, has earned for its advocates fame indeed, but fame of a very different character from that which honorable gentlemen opposite, on all occasions

so pompously affect.<sup>115</sup> His idea of loyalty was to endeavour to reconcile the authority of the Crown with the liberty of the subject. But he could cite instances of loyalty like that of the hon. members opposite<sup>116</sup>. When Philip of Spain, conceived that his distant Provinces could not be governed without a strong exercise of the Royal Prerogative, he selected as Governor an eminently Loyal subject, the infamous Duke of Alva, and truly in his administration of the affairs of those valuable Provinces, he lost nothing of his well earned reputation for loyalty to his master's every wish. Surely honorable gentlemen opposite must feel that if loyalty consists in maintaining the unlimited power of the Crown at the expense of all the rights of the people, they must modestly retire from comparison with this most loyal Duke. History has informed us that the first act of his administration was to proclaim the high-minded and patriotic William the first Prince of Orange, (a name often invoked by honorable gentlemen opposite, for purposes of the most questionable character,) his first act, I say, was to proclaim William of Orange an outlaw and a rebel! and in the fierce contest which was waged between the prerogative of the Crown and the liberties of the people, this same Duke brought to the scaffold within the short space of five years not less than 18,000 of his fellow subjects<sup>117</sup> better men than himself!!! He found the loyal Duke of Alva, and what was his first act? To proscribe as a rebel William, first Prince of Orange, a person whose name was invoked by the honourable gentlemen opposite, when they wanted the bludgeon, the gun, and the bayonet, to interfere in elections. (Cheers.)<sup>118</sup> But, Sir, history also records for our instruction, that whilst the "rebel" William founded a happy and prosperous republic which has filled and continues to fill no inconsiderable space in the annals of Europe, and whilst he still lives in the hearts and affections of his fellow-countrymen, that detested tyrant, the Duke of Alva, descended to the grave loaded with the execrations of the people whom he had oppressed.<sup>119</sup> (Cheers.) Then, again, look to our own country--to England--to the reign of James the Second--<sup>120</sup> when that struggle between the prerogative of the Crown and liberty of the subject which had now continued through several successive reigns, was about to be closed; at that period when the perfidious James had prepared to trample under foot the liberties of the people of England; did he want loyal subjects to carry out his most disloyal designs?<sup>121</sup> The Royal tyrant found loyal men to do his bidding not only in the army, but on the Bench of Justice.<sup>122</sup> Why, if loyalty be the maintenance of the royal will, regardless of public freedom, who more loyal than the infamous Jeffrey's? On that fearful bloody circuit which followed the Monmouth rebellion, his whole progress was marked by the mangled and gibbeted remains of hundreds who had fallen victims to this judicial massacre; and upon his return to his Royal master, he could boast that he had brought to the scaffold more victims than all those who had preceded him from the date of the Conquest. Ay, Sir, lest honorable gentlemen should think that this species of loyalty is left without its reward, let them read here, in his "Patent of Nobility, the acknowledgment of his Royal master for these Loyal Services."

Windsor, September 3.

"His Majesty taking into his royal consideration the many eminent and faithful services which the Right Honble. George Lord Jeffreys, of Wem, Lord Chief Justice of England, had rendered the Crown, as well in the reign of the late King, of ever blessed memory, as since His Majesty's



accession to the throne, was pleased this day to commit to him the custody of the Great Seal of England with the title of Lord Chancellor."<sup>123</sup> Amongst the victims whom this execrated Judge sent before his Maker was the mild, amiable, and great Lord Russell. (Cheers.) Another victim was the firm had patriotic<sup>125</sup> Algernon Sidney, who was loyal to the people of England and to the constitutional rights of his fellow-subjects. (Cheers.)<sup>126</sup> History here, however, also records for our encouragement, that while the succeeding House of Commons of the glorious epoch of 1688 expelled from amongst them the apostate Attorney General who had conducted the persecution of the patriotic Sidney ... the infamous Jeffreys was with difficulty rescued from the hands of those whom he had offended, and only escaped the most ignominious end by an untimely death. The patriotic Sidney lives in the hearts of the people of England, whilst, even to this hour, the peasant of Somerset recollects the unjust Judge with execration and horror. All history teems with examples of this pliant quality falsely called Loyalty by the honorable gentlemen opposite, this spurious Canadian Loyalty. I shall confine myself, however, to one instance,--<sup>127</sup>

The hon. member was here interrupted for a few moments by the arrival of a message from the Legislative Council.<sup>128</sup>

SOL. GEN. BLAKE proceeded: I know, Sir, that in speaking of the offensive position of exclusive loyalty, which honorable gentlemen opposite always think it proper to assume--I know that I have expressed myself with warmth; but I am not ashamed of that warmth. I am not come here to learn lessons of loyalty from honorable gentlemen opposite.<sup>129</sup> Thank God, he was cradled in it!<sup>130</sup> I believe at this moment, that no possible amount of individual wrong could induce me to pursue the factious course adopted by honorable gentlemen opposite, with all their loyalty.<sup>131</sup> He hoped and trusted that he knew what loyalty was, and should ever act upon it.<sup>132</sup> Loyalty to my Queen is the strongest and dearest feeling of my heart, and I trust my arm shall never be wanting when its aid may be required.<sup>133</sup> Loyalty, as he understood it, was to endeavour to reconcile the power of the crown with the liberties of the people.<sup>134</sup> But I confess, Sir, that I have no sympathy with the would-be loyalty of honorable gentlemen opposite, which, whilst it affects at all times peculiar zeal for the prerogative of the Crown, is ever ready to sacrifice the liberty of the subject. That is not British loyalty, it is spurious Canadian loyalty, which has always, in all periods of the world's history, lashed humanity into rebellion.<sup>135</sup> (Cheers.)<sup>136</sup> With such loyalty I have no sympathy. A moment since, Sir, when interrupted, I was about to present one scene from ancient history, illustrative of the distinction which I have been pressing upon the attention of the House, a scene so awful in its circumstances, and handed down to us upon authority so undoubted, that I cannot refrain from recalling it to the recollection of the House. When the people of a distant Roman Province contemplated the perpetration of the foulest crime that the page of history has recorded--a crime so foul, that nature, as it were, hid her face in horror of the dreadful deed,--how was this fearful act accomplished? The apostate disciple, the perjured witness, all that malignity could devise or wealth procure, had failed to fix one spot of guilt upon the great Founder of our Holy Religion.<sup>137</sup> The heathen Roman lawgiver could not be induced by perjured witnesses to place the great founder of our religion upon the cross. "I find no fault in him," he said.<sup>138</sup> When all other arts had failed, this fatal people,

in the very act of perpetrating the darkest treason--a treason, before which all other treasons, if combined in one great crime, would, as it were, fade into virtue itself; this fatal people, by assumption of the same mawkish loyalty--ay, Sir, mark its every feature,--"if thou let this man go thou art not Caesar's friend."<sup>139</sup> (Cheers.) Mark the loyalty; could they not see every feature of it? could they not trace it in this act? aye, and overcome by that mawkish spurious loyalty, the<sup>140</sup> reluctant<sup>141</sup> Heathen Roman Governor gave his sanction to a deed<sup>142</sup> whose mysterious consequences reach through time into eternity,<sup>143</sup> whose foul and impure stain eighteen centuries of national humiliation and suffering have been unable to efface. (Cheers.)<sup>144</sup> Believe me, Sir, this sort of loyalty is not of British growth.<sup>145</sup> (Cheers); this spurious, bullying loyalty never grew in his native land.<sup>146</sup> True British loyalty owns (sic) allegiance alike to the Crown and the constitution. British loyalty on the field of Runnymede wrung from a tyrant king the great charter of England's liberty.<sup>147</sup> (Cheers.) Aye, the Barons of England, with arms in their hands demanded and received the great charter of their rights. British royalty, during a period of three centuries, wrung from tyrant Kings thirty different recognitions of that great charter. Aye, and at the glorious era of the Revolution, when the loyal Jeffries was ready, in his extreme loyalty, to hand over England's freedom and rights to the hands of tyrants, the people of England, on that great Revolution, established the constitution which has maintained England till this day, a great, free and powerful nation. (Cheers.) But the hon. and gallant Knight told us, "But my loyalty is unquestioned; I did military service; I raised a loyal arm in defence of my country;" and his (Mr. Blake's) hon. friend near him (Mr. Price) actually paid the gallant Knight the compliment of comparing him to the Duke of Wellington. (A laugh.) When he heard his hon. friend allude to that remarkable historical parallel, it occurred to him that he could find one still closer, a great English Knight, a loyal Knight, Sir John Falstaff. (Great laughter.) Did any man ever know Sir John disloyal to his sack? Why he drank it from morning till night and from night till morning. He (Mr. Blake) remembered a little book, published in 1837, called "Readings from Old Authors," or some such title, generally supposed to be meant by some mischievous and disloyal person to be intended to ridicule certain of the loyal men of that day. He would not take up the time of the House by reading many extracts from it but he would quote two lines, which were generally supposed at the time to apply to the hon. and gallant Knight from Hamilton:--

The King of France with twenty thousand men  
 Marched up the hill and then marched down again  
 (Cheers, counter-cheers, and laughter.) He did not mean to say that the gallant Knight really performed his feats of arms in the same shabby manner, but he was certainly believed by many persons to have done so. (Hear and laughter.) He (Mr. Blake) had referred to the history of our country to establish the fact that in 1837 there existed in every Department of the State the grossest misgovernment. He had endeavoured to establish that true British loyalty seeks to maintain the privileges of the Crown and the liberty of the subject by laws equally stringent, and that the man who played the slave and loyalist to the tyrant, and trampled on the people's rights, was no loyal man. When the hon. friend for the fourth Riding of



York--who enjoyed no popularity in Upper Canada (hear and laughter)--was invited to take a seat in the Executive Council of Upper Canada under Sir Francis Bond Head's Administration, what did he say in his minute delivered to the Governor?--"The Council, meeting once a week upon land matters, whilst the affairs of the country are withheld from consideration and advice, is as imperfect a fulfilment of the Constitutional Act as if the Provincial Parliament were summoned once a year to meet the letter of the law, and immediately prorogued upon answering the Speech. In both cases the meaning and spirit of the Constitutional Act requires that the Parliament should have a general and practicable opportunity to legislate, and the Executive Council to advise upon the affairs of the country. In the former case the Representative of the King can withhold the Royal Assent from the bills, and in the other reject the advice offered; but their respective proceedings cannot be constitutionally circumscribed." Would any man who heard him (Mr. Blake) say that his hon. friend the Attorney General West, when he made that declaration, acted disloyally? He asked the hon. member for Toronto, whether, when his hon. friend (Mr. Baldwin) told the King's Representative that he must act according to his own wisdom, in violation of the best interests of the country--when he told him that he would not hold a seat in the Executive Council as a mere automaton for the disposal of land--that he must be consulted on the affairs of the country--whether he advanced a constitutional and loyal doctrine, or one subversive of the connection of the country with the Mother country?<sup>148</sup>

MR. H. SHERWOOD.--I never was asked to go into the Council of Sir Francis Head: I never got the office until there was Responsible Government.<sup>149</sup>

MR. SOL. GEN. BLAKE knew the hon. member had not been, but he wanted to know if that was a moderate, loyal, and constitutional doctrine, which Sir Francis Head had the effrontery to say he would not tolerate? He would now go to the discussion of another question, the opinion held by them that the Executive Council was not responsible to the people of the country for acts which they might commit as a Government. (The hon. gentleman here read an extract from a despatch in continuation of his statement.) Mark, continued Mr. Blake--mark what they say in that despatch, that the Executive Council should not be responsible to the people of the country--a doctrine he had no hesitation in denouncing as dangerous and subversive of the dearest rights of the people; and yet this was the sentiment held by the fat men now out of place. (Laughter.) He trusted the hon. member for Toronto would not expire, while he referred to another document in which that hon. gentleman's name appeared. (Mr. Blake then read another extract, and which he also stigmatized as extremely dangerous to the people. It was to the effect, that the hon. member for Toronto had declared that unless Lord Metcalfe condescended to consult him in every act relating to the Government of the country, that he would not keep his office for a moment.) They had been well termed the "Family Compact," (hear, hear,) and he believed they were the happiest family in the world; and well might they pray, as pray they did, that the Almighty might help them out of their danger; but, holding such opinions of Responsible Government, they might well be afraid of sinking down to that place which one of the hon. gentlemen opposite was said to have visited. The proposition of such responsibility was destructive in the highest degree of everything sacred

to the people of the Province. Were he to go over despatch after despatch, it would but make it clearer that they had done all in their power to spread and precipitate the rebellion, and it had also been encouraged by ... them for the purpose of gratifying their revenge. After all, it was but small revenge. Small as it was, however, their vengeance had been fearful to Canada, and such as they may yet have much cause to deplore. If all men from Aberdeen down to the present time have admitted the right of Responsible Government, and when the greatest and best statesmen of Britain had given it as their opinion, that the absence of it in Canada was a proper reason for their endeavours to secure it, the people were not to be blamed for the consequences which issued. If after years of struggling to obtain their rights, they found a doctrine so detrimental to the liberties advanced by the Government, the doctrine was much lessened for it was more deserving of being denounced as being as rebellious as the efforts made to set it aside. What brought Stafford to the block? It was not that he was loyal to his master, but that he was loyal to the people; and it was this loyalty to the people which cost him his life. His friends were placed in a similar position, they were true to the interests of the people, and he would call on the Opposition to denounce this proposition if they could. What had Lord Sydenham said? That he would rather take the gun on his shoulder, and run his chance, than submit to be governed by such a doctrine as that held by the gentlemen opposite. (Cheers.) He would never wish to boast of playing so base a part in the history of his country as had been done by some hon. members opposite, the consequences of which might yet light on their heads. He had given his opinion on the events of the time, and had only stated what he thought. He might also point them to their acts of 1836, when they had the country at their feet, and when they possessed an overpowering majority. Were the acts of that year in favour of the liberty of the people? No, their acts at that time were performed so that they might the longer maintain their tyranny. In 1843 and 1844, their conduct was of a piece, and they tended to mar what was required for the good of the people of this country. Let him contrast, for a moment, the conduct of the gallant soldier opposite with the conduct of his honourable and learned friend the member for York. In that year his honourable friend was told that if he would assist them that honour would be conferred on him; but, in 1841, when they wished to secure his vote to carry out some favourite plan, he saw that he could not conscientiously do so, he instantly relinquished office, considering it was better for him to do so than to vote against the interest of the country. But the hon. gent. opposite had had office under any and all circumstances, whereas his hon. friend for York, so soon as he found that he could not conscientiously go along with the party, relinquished honour and office altogether. What rights, he would ask, had the gentlemen opposite protected? Could he name the instance in which they had done so? The Rebellion was called by one Governor a cruel one; and after it had been down, common humanity might have dictated that the rights of persons should be then respected, and that they should be no longer actuated by the feeling of revenge, more especially when they had been commanded to do so by the Sovereign, for despatch after despatch was sent to the effect that they were British subjects, and that no more blood ought to be shed and the hon. member for Hamilton had been so requested himself, with the recommendation that



the danger was past the sacrifice of human life should be ended; and the letter recommending this course might now be read in letters of blood.<sup>150</sup>

SIR A. MACNAB wished to know if the hon. gentleman was desirous of annoying him by his allusions to "letters of blood," and which he seemed desirous of pointing to him? If there was anything in his conduct which deserved such allusion, he would be glad that the hon. member would condescend to point it out, and let him know what he meant by "letters of blood."<sup>151</sup>

MR. SOL. GEN. BLAKE would state, if required, the particular despatch he had alluded to, and if the hon. and gallant Knight could state that it was not true, he would be happy to receive the contradiction. The hon. member then referred to a letter in which Sir George Arthur had been forbidden to shed more blood; but in order to satisfy the clamour of the Upper Canada Militia, no notice was taken of the order, till at last Lord Durham told him that he was his master, and he must obey him, and ordered that the lives of the people should be respected, and an end put to the shedding of blood. Then it was that miserable man, that disgrace to his kind (Sir George Arthur), had to yield obedience. And there sit the loyal men (pointing on the opposite side of the House) who shed the blood of the people, and trampled on their best and dearest rights.<sup>152</sup>

Cheers and laughter from the Opposition.<sup>153</sup>

The hon. gentleman MR. SOL. GEN. BLAKE read another extract from a Despatch from Sir Francis Head to the Home Government of England containing a statement that the people of Canada could not be trusted. This was a declaration from a Governor in which the gentlemen opposite must have concurred. The hon. gentleman here referred to another document sent out from England, in support of his charge that the Government of the day had acted contrary to the expressed wishes of the Sovereign and the Government of England after the rebellion was ended; and argued, that from their own acts previously they had themselves invited the rebellion, for the very purpose of trampling under foot the liberal principles of the parties opposed to them. These charges, he said, were not made for bunkum; and appealed to him, if what he had said was not the truth? The hon. and gallant Knight had stated that Sir Francis Head had been honoured by the favour of his Sovereign for the part he took in the troubles of that time; and when he heard this his blood almost curdled in his veins; but when he followed him through about twelve despatches, and saw him begging for a Baronetcy, and Lord Glenelg telling him he could not get it, and yet he kept begging on, so that, as it were for pity, he at last succeeded. He hoped, for the honour of the gallant Knight, that his title was bestowed in a more honourable way. If, instead of selling the rights of the people, Sir Francis Head had protected them, he would now have been remembered kindly, and continued to live in the hearts of the people. Had he spared human blood, he would have established himself a name which would have been revered to all posterity; but he sold himself, and bartered his character, and much he had made of the bargain. He trusted he had thrown some small light on the loyalty of which the hon. gentlemen boasted so much, as it was but just that their loyalty should be established. (Hear, hear, ironically.) They had talked of constitutional acts. Was it constitutional when, in 1819, the Duke of Richmond robbed the people of Canada of their money. (Hear, hear.) Lord Dalhousie had followed

his example in Lower Canada. Was that an evidence of British Loyalty? They had, no doubt, heard of the case of Hampden: he had exhibited a spirit of liberality which yet endeared him to the hearts of all the people of England, and from his case they might be able to draw a proper inference. (Hear, hear.) Let him refer for a little to the period which intervened between Lord Dalhousie and Lord Durham. From the first period of British interference in the affairs of Lower Canada, up to the time of Lord Durham, every species of oppression was freely practised. The administration of justice was perverted; the dearest rights of man were violated with impunity; human life was not sacred; property was not sacred; and worse still, aye, a thousand times worse, a loyal but contemptible minority, seized on every office in the gift of the crown, and trampled on men far superior to themselves in every sense of the word. And what was the remedy proposed by Lord Russell in his eighth resolution and denounced by Lord Brougham, in language, which, he wished to God, had its due effect on hon. gentlemen opposite. What was this eighth resolution? To take from Lower Canada, by the force of the sword, those monies which the Legislature refused to part with, to be applied to the wants of another and separate Province, and that too at the very moment when heaven was pouring its curses on Upper Canada. And he would tell those hon. and loyal gentlemen, who were so highly offended the other day at having the term "rebel" applied to them, that he called them rebels, and they must not expect to receive any apologies from his mouth.<sup>154</sup>

SIR. A. MACNAB said, that if the hon. gentleman applied the term "rebel" to him, he should look upon it as nothing else than falsehood.<sup>155</sup>

At this moment there was some disturbance in the galleries, and the Speaker called the House to order. The language used by hon. gentlemen was exceedingly unparliamentary.<sup>156</sup>

SIR A. MACNAB reiterated what had said before, as the hon. gentleman did not seem disposed to retract the offensive epithet.<sup>157</sup>

MR. SOL. GEN. BLAKE.--"Never!"<sup>158</sup>

At this moment there was a tremendous disturbance in the galleries.<sup>159</sup>

Several members called on the Speaker to have them cleared.<sup>160</sup>

MR. SOL. GEN. BLAKE and MR. SOL. GEN. DRUMMOND said "No, no! Do not clear the galleries."<sup>161</sup>

MR. INSP. GEN. HINCKS insisted on the galleries being cleared, in order that the House should not be controlled by a mob.<sup>162</sup>

MR. MORIN the SPEAKER ordered the galleries to be cleared.<sup>163</sup>

The ladies who were present vaulted into the body of the House. A fight was got up by two individuals, in which those in the immediate neighbourhood seemed very much disposed to take part.<sup>164</sup>

MR. MORIN the SPEAKER shouted "Order! Order!" in vain, and asked several times if he should not leave the Chair.<sup>165</sup>

((He)) was told by MR. AT. GEN. BALDWIN and MR. REC. GEN. VIGER that he must remain.<sup>166</sup>

In the meantime, several members and the Sergeant-at-Arms had clambered into the gallery, and handed one of the combatants down, and led him through



the House. Shortly after, the galleries were cleared; and the House sat with closed doors for about twenty minutes<sup>167</sup>.

(86)

*And at six o'clock, P. M., pursuant to Order, the House was adjourned by Mr. Speaker, without a Question first put, till to-morrow.*

FOOTNOTES: 15 FEBRUARY 1849.

1. The debate on this matter was reported by: PILOT, 19 February 1849, and MONTREAL GAZETTE, 16 February 1849, in identical accounts.
2. PILOT, 19 February 1849. The ellipsis represents an obliterated line.
3. PILOT, 16 February 1849.
4. The debate on this matter was reported by : GLOBE, 17 February 1849, MORNING CHRONICLE, 19 February 1849, BRITISH COLONIST, 20 February 1849, and ST. CATHARINES JOURNAL, 22 February 1849, in identical accounts; MONTREAL GAZETTE, 16 February 1849; and PILOT, 16 February 1849.
5. PILOT, 16 February 1849.
6. MONTREAL GAZETTE, 16 February 1849.
7. IBID.
8. The debate on this matter was reported by: PILOT, 16 February 1849, BROCKVILLE RECORDER, 22 February 1849, in a shorter account, and GLOBE, 24 February 1849, in identical accounts; GLOBE, 17 February 1849, MORNING CHRONICLE, 19 February 1849, PROVINCIALIST, 19 February 1849, which copied the GLOBE, BRITISH COLONIST, 20 February 1849, and ST. CATHARINES JOURNAL, 22 February 1849, all reported the disturbance which occurred at the end of the debate, which is identical to that of PILOT, 16 February 1849; BATHURST COURIER, 16 February 1849, which omitted several speeches, PROVINCIALIST, 26 February 1849, which omitted a sentence here and there, NIAGARA MAIL, 28 February 1849, which reported part of Price's speech, and are identical to PILOT, 16 February 1849; BATHURST COURIER, 23 February 1849, which reported part of Blake's speech and is identical to PILOT, 16 February 1849; ST. CATHARINES JOURNAL, 1 March 1849, which reported part of Price's speech and is identical to PILOT, 16 February 1849; PRINCE EDWARD GAZETTE, 23 February 1849, which had a very brief account of the debate; PILOT, 26 February 1849, reported Blake's speech much of which was not on the microfilm; MONTREAL GAZETTE, 16 February 1849, and HAMILTON SPECTATOR, 24 February 1849, in identical accounts. L'AVENIR, 24 February 1849; LA MINERVE, 15 February 1849; PILOT, 16 February 1849; LE JOURNAL DE QUEBEC, 20 February 1849; BRITISH WHIG, 21 February 1849; and STANSTEAD JOURNAL, 22 February 1849, all noted it. LA MINERVE, 19, 22 February 1849. Commentaries are found in PILOT, 16 February 1849.
9. HAMILTON SPECTATOR, 24 February 1849, whose identical account is used instead of that of the MONTREAL GAZETTE, 16 February 1849.
10. PILOT, 16 February 1849.
11. HAMILTON SPECTATOR, 24 February 1849.
12. PILOT, 16 February 1849.
13. HAMILTON SPECTATOR, 24 February 1849.
14. PILOT, 16 February 1849.
15. HAMILTON SPECTATOR, 24 February 1849.
16. PILOT, 16 February 1849.
17. HAMILTON SPECTATOR, 24 February 1849.
18. IBID.
19. PILOT, 16 February 1849.
20. HAMILTON SPECTATOR, 24 February 1849.
21. PILOT, 16 February 1849.
22. HAMILTON SPECTATOR, 24 February 1849.



23. PILOT, 16 February 1849.
24. HAMILTON SPECTATOR, 24 February 1849.
25. PILOT, 16 February 1849.
26. IBID.
27. HAMILTON SPECTATOR, 24 February 1849.
28. PILOT, 16 February 1849.
29. HAMILTON SPECTATOR, 24 February 1849.
30. PILOT, 16 February 1849.
31. IBID.
32. IBID.
33. HAMILTON SPECTATOR, 24 February 1849.
34. IBID.
35. PILOT, 16 February 1849.
36. IBID.
37. IBID.
38. HAMILTON SPECTATOR, 24 February 1849.
39. PILOT, 16 February 1849.
40. HAMILTON SPECTATOR, 24 February 1849.
41. PILOT, 16 February 1849.
42. HAMILTON SPECTATOR, 24 February 1849.
43. PILOT, 16 February 1849.
44. HAMILTON SPECTATOR, 24 February 1849.
45. PILOT, 16 February 1849.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID., 26 February 1849. Blake's speech was one of the most impressive ever given in the Assembly. The Toronto GLOBE, 3 March 1849, quotes three laudatory comments on it. The first, translated from LA MINERVE, 19 February 1849, says that Mr. Blake "rose to a degree of eloquence which excited the admiration of both sides of the House. Never has the Tory party received a flagellation, a chastisement, more severe.  
.... Mr. Blake is decidedly a great orator, especially when we bear in mind that he is but upon the threshold of his parliamentary career. He will very speedily correct those slight defects, which are perceptible in his intonation and voice.... Mr. Blake spoke for three hours ...."

LE JOURNAL DE QUEBEC described his speech as "one of the most powerful speeches which we have ever heard ...." Other Reform newspapers were equally complimentary. The Conservative MONTREAL GAZETTE, on the other hand, in its report of 16 February 1849, in which Blake was very skimpily reported, said that "We do not think that our readers lose much by our cutting Mr. Blake's speech so very short, as it contained little on the question before the House." Again "Mr. Blake...((spoke)) with his school-boy bombast of tone, and ridiculous stamping of foot...."

This speech, along with the speech following by Mr. Merritt, were published by Reformers in a pamphlet, and this was published by the PILOT in its issue of February 26th, although it had already reported a long account of Blake's and Merritt's speeches in its ordinary parliamentary reports. The revised speeches, given in the first person, combine two speeches on two days given by Blake, and edit them in many ways. In some instances, sections are excised; others are added. Quotations are given verbatim, and at great length. A portion of this is missing in the PILOT. The account of Blake's speech which follows is therefore collated from the two accounts. The rest of the account from the PILOT's version of the 26th of February is used in collating the debates for February 16th, 1849.

64. PILOT, 16 February 1849.
65. IBID., 26 February 1849.
66. IBID., 16 February 1849.
67. IBID., 26 February 1849.
68. IBID., 16 February 1849.
69. IBID., 26 February 1849.
70. IBID., 16 February 1849.
71. IBID., 26 February 1849.
72. IBID., 16 February 1849.
73. IBID., 26 February 1849.
74. IBID., 16 February 1849.
75. IBID., 26 February 1849.
76. IBID., 16 February 1849.
77. IBID., 26 February 1849.
78. IBID., 16 February 1849.
79. IBID., 26 February 1849.
80. IBID., 16 February 1849.
81. IBID.
82. IBID., 26 February 1849.
83. IBID., 16 February 1849.
84. IBID., 26 February 1849.
85. IBID., 16 February 1849.
86. IBID., 26 February 1849.
87. IBID., 16 February 1849.
88. IBID., 26 February 1849.
89. IBID., 16 February 1849.
90. IBID., 26 February 1849.
91. IBID.
92. IBID., 16 February 1849.
93. IBID., 26 February 1849.
94. IBID., 16 February 1849.
95. IBID., 26 February 1849.
96. IBID., 16 February 1849.



97. IBID., 26 February 1849.
98. IBID., 16 February 1849.
99. IBID., 26 February 1849.
100. IBID., 16 February 1849.
101. IBID., 26 February 1849.
102. IBID., 16 February 1849.
103. IBID., 26 February 1849.
104. IBID., 16 February 1849.
105. IBID., 26 February 1849.
106. IBID., 16 February 1849.
107. IBID., 26 February 1849. The ellipsis represents an illegible word.
108. PILOT, 16 February 1849.
109. IBID., 26 February 1849.
110. IBID., 16 February 1849.
111. IBID., 26 February 1849.
112. IBID., 16 February 1849.
113. IBID.
114. IBID.
115. IBID., 26 February 1849.
116. IBID., 16 February 1849.
117. IBID., 26 February 1849.
118. IBID., 16 February 1849.
119. IBID., 26 February 1849.
120. IBID., 16 February 1849.
121. IBID., 26 February 1849.
122. IBID., 16 February 1849.
123. IBID., 26 February 1849.
124. IBID., 16 February 1849.
125. IBID., 26 February 1849.
126. IBID., 16 February 1849.
127. IBID., 26 February 1849.
128. IBID., 16 February 1849.
129. IBID., 26 February 1849.
130. IBID., 16 February 1849.
131. IBID., 26 February 1849.
132. IBID., 16 February 1849.
133. IBID., 26 February 1849.
134. IBID., 16 February 1849.
135. IBID., 26 February 1849.
136. IBID., 16 February 1849.
137. IBID., 26 February 1849.
138. IBID., 16 February 1849.
139. IBID., 26 February 1849.
140. IBID., 16 February 1849.
141. IBID., 26 February 1849.
142. IBID., 16 February 1849.
143. IBID., 26 February 1849.
144. IBID., 16 February 1849.
145. IBID., 26 February 1849.
146. IBID., 16 February 1849.
147. IBID., 26 February 1849.
148. IBID., 16 February 1849.

- 149. IBID.
- 150. IBID.
- 151. IBID.
- 152. IBID.
- 153. IBID.
- 154. IBID.
- 155. IBID.
- 156. IBID
- 157. IBID.
- 158. IBID.
- 159. IBID.
- 160. IBID.
- 161. IBID.
- 162. IBID.
- 163. IBID.
- 164. IBID.
- 165. IBID.
- 166. IBID.
- 167. IBID.



FRIDAY, 16 FEBRUARY 1890.

(86)

Peterborough  
and Port Hope  
Railway.

MR. SPEAKER laid before the House, a Statement of the Affairs of the Peterborough and Port Hope Railway Company, pursuant to the Act 10 Vic. c. 109.

Appendix (K. K.)

For the said Statement, see Appendix (K. K.)

On motion of Mr. Solicitor General Drummond, seconded by the Honorable Mr. Parke,

Ordered  
That the time for receiving Petitions for  
Private Bills is extended till Thursday, the  
first day of March next.

Ordered, That the time for receiving Petitions for Private Bills is extended till Thursday, the first day of March next.

(87)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Cameron, of Kent,--The Petition of John W. Shackleton and others, of the Western District.

By Mr. Flint,--The Petition of the Reverend Michael Brennan and others, the Roman Catholic Clergyman and Laity of the Town of Belleville.

By Mr. Smith, of Wentworth,--The Petition of Henry Morgan, of Binbrook and Saltfleet.

By Mr. Holmes,--The Petition of the Corporation of the Montreal General Hospital; the Petition of John G. Mackenzie, Esquire, President of the City Bank; and the Petition of John S. M'Cord, Esquire, and others, members of the Montreal Horticultural Society.

By Mr. Brooks,--The Petition of Thomas Tait, Esquire and others, of the District of St. Francis; the Petition of Hollis Smith and others, of the Town and vicinity of Sherbrooke; and the Petition of the Corporation of Bishop's College at Lennoxville.

By Sir Allan N. MacNab,--The Petition of George S. Tiffany, Esquire, and others, of the City of Hamilton; and the Petition of Thomas Lottridge and others, of the City of Hamilton, and the adjacent Townships.

By Mr. DeWitt,--The Petition of Messieurs Greene and Sons, and others, Furriers and Hatters.

By Mr. Chabot,--The Petition of His Grace the Archbishop of Quebec, and the Roman Catholic Bishops of Lower Canada.

By Mr. Méthot,--The Petition of H. J. Noad, Esquire, and others, the Directors of the Quebec Forwarding Company.

By Mr. Solicitor General Drummond,--The Petition of Alphonso Wells, Esquire, the Petition of Mrs. Angélique Hodgins, of the Parish of Berthier, District of Montreal, widow of the late Antoine Gazaille dit St. Germain; and the Petition of William Evans, of Côte St. Paul, Parish of Montreal.

By Mr. Morrison,--The Petition of the President, Directors, and Stockholders of the Streetsville Plank Road Company.

Petition of W.  
B. Wrong and  
others;  
Of H. G. Habbin  
and others;

Ordered, That the Petition of W. B. Wrong and others, of the Districts of London, Talbot, and Brock; the Petition of H. G. Habbin and others, of the Town of Dundas; the Petition of A. W. Laird and others, of the City of Montreal; the Petition of

Of A. W. Laird  
and others;  
Of J. Jacques  
and others;  
Of the Grand  
River Naviga-  
tion Company;  
of R. Hamilton  
and others;

John Jacques and others, of the City of Toronto  
and of the Home District; the Petition of the  
Grand River Navigation Company (increase of  
Capital); and the Petition of Robert Hamilton  
and others, of the District of Niagara be re-  
ferred to the Standing Committee on Standing  
Orders.

Of J. Graybiel  
and others,  
referred.

Ordered, That the Petition of John Graybiel and  
others, of the District of Niagara, be referred  
to the Standing Committee on Railroad and Tele-  
graph Line Bills.

On motion of Mr. Armstrong, seconded by Mr. Jobin,

Les Clercs  
Paroissiaux  
Bill.

Ordered, That the engrossed Bill from the Legislative  
Council, intituled, "An Act to incorporate Les  
Clercs Paroissiaux ou Catéchistes de Saint  
Viateur," in the Village of Industry, in the

County of Berthier," be now read the first time.

And the Bill was read the first time.

Ordered, That the said Bill be read a second time, on Thursday next.

MR. WATTS<sup>2</sup> moved to have the present order for the meeting of the House in the day time rescinded.<sup>3</sup>

SIR A. MACNAB did not think that the House should make a rule one day, and rescind it the next. Members had been in regular attendance.<sup>4</sup>

MR. WATTS said, that they had all business out of doors in the day time, which could only be done between the hours of ten and three. Another inconvenience was, that they could not get witnesses at Committees in the evening.<sup>5</sup>

MR. ROBINSON did not see from the reasons given by hon. gentlemen, that it was necessary to change, so suddenly, the rule they had made. Unless the Ministry said that they could not as well attend to the business of the country, he would vote against the motion. He would wait for this information before he voted.<sup>6</sup>

MR. AT. GEN. BALDWIN had expressed doubts when the hon. member for Toronto proposed the motion. Those members of the Government, who thought it would be an improvement, had abandoned that opinion, and sometimes it had been productive of mischief for the House to be adjourned when members might have had some explanation to give. In that view of the subject, he thought that it would be better to go back to the old system.<sup>7</sup>

DR. FORTIER suggested that the House should meet at two and adjourn at ten.<sup>8</sup>

MR. INSP. GEN. HINCKS trusted that whatever might be done, there should be no hour fixed for terminating, as the House had sometimes been obliged to adjourn when it was inconvenient to do so<sup>9</sup>, as there was no end to the debates.<sup>10</sup>

MR. PAPINEAU said, that, considering the expense of the sitting Legis-



lature, they should bring it within the shortest limits. In some greater countries, it might be more necessary to prolong the sittings, but in a Colony it was not so. Some members might also speak against time, to impede certain business being done, and they were obliged to listen to them, whether their arguments were sound or unsound; and he thought that the House ought to assume the position it was in before, and in which it had been since 1702, to the hasty motion of the other day.<sup>11</sup>

MR. CARTIER had only voted the other day to try an experiment, and he would now vote for the present motion.<sup>12</sup>

MR. AT. GEN. BALDWIN said, that they had not yet claimed Government days, but intended to do so; and, therefore, hoped that hon. members would fix the notices of motion on days which were not Government days.<sup>13</sup>

MR. ROBINSON thought there could be no objection.<sup>14</sup>

MR. BADGLEY spoke very low, but we understood him to say that he thought it would be putting the Government to much inconvenience to make them come during the day.<sup>15</sup>

MR. CHRISTIE thought that they had better fix an hour of adjournment by rule of the House, notwithstanding all that had been said, he would not care whether at ten, half-past or eleven, than to have the thing indefinite. If hon. gentlemen wanted to make factious opposition, they could in any case do so by moving as many amendments as they pleased.<sup>16</sup>

MR. AT. GEN. BALDWIN objected.<sup>17</sup>

The motion was then put and carried.<sup>18</sup>

(87)

On motion of Mr. Watts, seconded by Mr. Notman,

First Rule of  
the House.

Resolved, That the Resolution of this House, of the 31st January last, amending the First Rule of this House, be rescinded.

Adjournment.

Resolved, That this House will, at the rising of the House this day, adjourn till Monday next,

at three o'clock, P. M.

On motion of Mr. Notman, seconded by Mr. Watts,

Municipal Act.

Ordered, That the Entry in the Journal of this House, of the 9th March, 1848, containing the Petition

of the Municipal Council of the District of London, praying that the Municipal Act may be so amended as to enable them to recover Rates and Assessment from the lands of Absentees, be now read.

The Entry was read accordingly.

Resolved, That the said Entry be referred to a Select Committee composed of Mr. Notman, Mr. Wetenhall, Mr. Wilson, Mr. Fergusson, and Mr. Morrison, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Chabot, seconded by Mr. Méthot,

Church Build-  
ing Laws.

Resolved, That this House do now resolve itself into a Committee to take into consideration the propriety of repealing the Laws now in force

in Lower Canada relating to the building of Churches, Presbyteries and their dependencies, and of making other provisions on the same subject.

The House accordingly resolved itself into the said Committee.

Mr. Johnson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Johnson reported, That the Committee had come to a Resolution; which was read, as followeth:--

Resolved, That it is expedient to repeal the Laws now in force in Lower Canada relating to the building of Churches and their dependencies and also those which relate to the Erection of Parishes for civil purposes, and to substitute new provisions in lieu thereof.

The said Resolution being read a second time, was agreed to.

Church Build-  
ing Bill.

Ordered, That Mr. Chabot have leave to bring in a

Bill for recognizing, for civil purposes, the Canonical Erection of Catholic Parishes, and to regulate the construction and repairing of Churches, Sacristies, Parsonage Houses and Church Yards, and for repealing certain Acts and Ordinances therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday, the sixteenth of March next.

On motion of the Honorable Mr. Price, seconded by the Honorable Mr. Attorney General Baldwin,

Crown Lands  
Protection Bill.

Ordered, That the engrossed Bill from the Legislative

Council, intituled, "An Act to explain and amend an Act of the Parliament of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, intituled, "An Act for the protection of the Lands of the Crown in this Province from trespass and injury," and to make further provision for that purpose," be now read the first time.

And the Bill was read the first time.

Ordered, That the said Bill be read a second time, on Tuesday next.

On motion of the Honorable Mr. Attorney General LaFontaine, seconded by the Honorable Mr. Attorney General Baldwin,

Quarantine Bill.

Ordered, That the engrossed Bill from the Legislative

Council, intituled "An Act to amend the Quarantine Act," be now read the first time.

(88)

And the Bill was read the first time.

Ordered, That the said Bill be read a second time, on Tuesday next.

J. M. Ferres.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 8th February, 1849, praying that His Excellency would cause to be laid before the House, copies of any correspondence between James Moir Ferres, Esquire,



late Inspector of Revenue for the second division of the District of Montreal, and the Executive Government, relative to his dismissal from that office, as well as of any correspondence or communications from any person or persons that may have induced his dismissal therefrom, and explanatory of the causes thereof.

Appendix (L. L.)

For the said Return, see Appendix (L. L.)

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Name of the  
Quebec General  
Hospital Pro-  
perty Bill.

Mr. Speaker,

The Legislative Council have passed a Bill, intituled "An Act to authorise the Community of the Name of the General Hospital of Quebec to acquire and hold additional real and personal property to a certain amount," to which they desire the concurrence of this House: And also,

Bill relating to  
persons dying  
Intestate (U. C.)

The Legislative Council have passed a Bill, intituled, "An Act to to make better provision for the protection of the property of persons dying Intestate in that part of this Province formerly called Upper Canada," to which they desire the concurrence of this House.

And then he withdrew.

Rebellion  
Losses (L. C.)

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Tuesday last, proposed to be made to the Question, That the Order of the day for the House in Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada during the Political Troubles of 1837 and 1838, and of providing for the payment thereof, be now read;

And which Amendment was, That the words "now read" be left out, and the words "postponed for ten days to give time for the expression of the feelings of the Country," added instead thereof.

And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.<sup>19</sup>

MR. SOL. GEN. BLAKE said, in rising to continue his remarks, he did not wish to trespass on the time of the House, and had the question been one of less importance, and had the debate continued in a different manner to what it had been by the gentlemen on the opposite side, he would not have used so many documents in order that the reasons for giving his vote should be properly understood--The motion to him, however, seemed to involve not only the form of government under which he and the people of Canada should live, as well as the laws under which they had life and property, but the existence of society itself. Hon. gentlemen opposite smiled, and he trusted they would continue to wear their smiles, but it would be owing to what they had done for the support of the liberties of the people of the country. It was because the question involved, as he had said, the very existence of society, that he wished to say a little more in conclusion, in order that the House might be aware of the reasons which had urged him to adopt the course he deemed it his duty to adopt. In going on in the line of argument he had done, he would not only use such documents as in his opinion were important to the question before the House. What he had previously stated were not his own private opinions, or those of his party, but what

were now matters of history published by the House of Commons of England. Lord Durham had thought it his duty to state that, when he took office of Governor of Canada, he found great disorder existing in the affairs of the Colony; and he could only say, that in one single instance were the functions of the Government performed as they ought to have been. Yes, great disorder did exist, so great that even the administration of justice--the great and important principle of British liberty--trial by jury had become a mockery and a thing to be afraid of instead of a principle in the constitution to be admired and respected. The representatives of 500,000 of the people of the country were insulted and mocked by a debased and miserable minority who represented 34,000. He had before stated that the money which had been given by the people of Lower Canada was taken from them in an unconstitutional manner. He had also stated that in 1836 great disorder prevailed, and he found that at that time the Commons of Upper Canada had so far violated the liberties of the people of Lower Canada, that, in a despatch to the Colonial Secretary, they stated that the French Canadians were not to be trusted. Could a greater insult be put upon a people than that? But this was not all, for the same Government of Upper Canada went so far as to advise the Crown to adopt towards the people stern and decisive measures. Let it be recollected that these were events which preceded the unfortunate rebellion, not after. He had stated, and would no (sic) repeat it again, that in the British House of Commons it had been maintained that under the circumstances, the people of Lower Canada were not to blame in appealing to physical force, in the maintenance of their rights, the doing of which, had led to so many unfortunate results. It had been said that it was important that the representatives of the people should be aware of the amount of money likely to be expended by the resolution with that proposition, as far as it was practicable, he concurred; but it was held by the honourable gentlemen opposite, that only those who took no part in the rebellion were entitled to indemnification for losses sustained. He would beg leave to remind hon. gentlemen what indeed they must be aware of, that loyalty did not consist in yielding a slavish submission to the Crown against the rights and liberties of the people; Canadian loyalty might be after that fashion, but it was not the true liberty of British loyalty in his sense of the term, which consists as much in protecting the rights and liberties of the people, as in protecting those of the Crown. (Cheers.)--And while he endeavoured to uphold the rights of his Sovereign, he would never close his eyes to those of the people. (Hear, hear.) He would stigmatize any other course as at variance with the loyalty a man owed to his country and his sovereign. Returning to the case of Stratford and Sydney, he argued that the British House of Commons understood and acted upon the principle of supporting the prerogative of the Crown, when not opposed to the rights and liberties of the people.--The hon. member here read several long extracts from despatches between Lord Glenelg and Sir F. B. Head, relative to the Baronetcy demanded by the letter. He hoped that hon. gentlemen on the other side of the house when they were again disposed to make up an account between the sacrifice of the rights and liberties of the people of Canada, and the honor which that sacrifice had brought--he trusted that when they again made up an account and placed Sir Francis Bond Head, head of the list, they would read the despatches, of the bargain relative to the much coveted Baronetcy. He should have felt it unnecessary to trouble the House with many observations upon this point had the hon. gentlemen opposite continued (sic) them--



relates to the eulogy on Sir Francis Head, his character was pretty well known and appreciated wherever he (Mr. Blake) had been. He had had the honour of conversing with those very intimately and closely related to Sir Francis and he could tell the hon. gentlemen opposite that he was not quite so much worshipped there, as he was here. He had heard anecdotes of all and every thing that occurred after Sir Francis Head returned from this country which were notorious--"public notoriety" had rendered them so open to every body that, he (Mr. B.) really had thought that the day for falling down and worshipping Sir Francis Head was one thing--to condemn Lord Durham was another. (Cheers.) When he recollected that it was Lord Durham's report at which hon. gentlemen opposite--great statesmen--felt at liberty to sneer, that under the providence of God we owed the happy state of peace and quiet in which we were found--to the principles of that report carried into practice they owed it that they were standing in that peacefull hall, legislating for the benefit of their fellow-creatures, instead of struggling like Europe, with fearful throes that made men tremble,--he did think that considering the debt of gratitude that this country owes to Lord Durham, (hear, hear,) considering the manner in which he passed his life, and the high individual, who now acts as the Queen's Representative in the Province, that considering the manner in which the hon. gentlemen who had acted as Responsible Ministers had expressed themselves--as he would show them by and by, by papers with their own signatures at the bottom, and if they now doubted that their former declarations and opinions were true, in the name of Heaven let them come out and say so. If Responsible Government be but a delusion and a snare, let them declare, before the country, that such was their opinion. (Hear, hear.) He was observing that considering the debt of gratitude that the country owed to Lord Durham, he did think that hon. gentlemen opposite might well have spared themselves these insults to his memory. He did not think that high and chivalrous men would have condescended to unveil the sanctity of the tomb, and desecrate the name of a man upon whose character no stain ever rested. (Cheers.) He had ventured to say that the opinion of hon. gentlemen to-day was not the same as their opinion of yesterday, he had ventured to say, on recollection, that he thought the hon. gents. opposite had put their names to documents not agreeing very well with their declarations of to-day; he had ventured to say that when Lord Durham was here on earth, enjoying the favour of the Crown, able to distribute favours and honour, they had heard no insult or attacks on his administration of the country. Flattery and adulation was the language of 1837, the House had heard the language of 1848. The House would bear in mind that Lord Durham so conducted himself that "he ought to have been shot." The House would recollect the expression, and would the House believe that a gentleman on making a declaration of that sort--20

SIR A. MACNAB.--I said a common soldier would have been shot.<sup>21</sup>

MR. SOL. GEN. BLAKE could tell the hon. and gallant member that in England the Earl and the private soldier stood upon common ground; that the British law knows no distinction between the Peer and the peasant, and therefore when the gallant Knight said that a soldier ought to have been shot, he meant to say that Lord Durham ought to have been shot. (Cheers.)<sup>22</sup>

SIR A. MACNAB rose to order, he did not choose to allow the hon. member to misrepresent him, what he had really said was, that Lord Durham was not re-called--that his resignation was not accepted--that he deserted his

post and went home without leave,<sup>23</sup> that he ran away at the first appearance of danger, which was a desertion that,<sup>24</sup> if a private soldier had acted in that way, he would have been tried by a court martial and shot. (Cheers and counter-cheers.) That was what he had said and he repeated it. (Ironical cheers.)<sup>25</sup>

MR. SOL. GEN. BLAKE, that was precisely what he (Mr. B.) had imputed to the gallant knight. That was the language of 1848, he would now read to the House the language of the same gentleman in 1838. After Lord Durham had declared to the Country that he would not remain here; after he had denounced the conduct of the opposition in the Imperial Parliament as such as he would not endure. He would read to the gallant Knight what was his language on that occasion. "We Her Majesty's dutiful and loyal subjects, inhabitants of the City of Toronto, respectfully approach your Excellency with renewed assurance of devotion and attachment to Her Majesty's Royal person and Government. (Ironical cheers.) We retain lively and gratifying remembrances of your Excellency's visit to Toronto on the 18th day of July last; of the reception given to your Excellency by the inhabitants of the city and District, of your Excellency's courteous (sic) and satisfactory reply to the congratulatory address then presented to you, and we now beg to reiterate our expression of confidence";--(in a traitor who ought to be shot;)--(Cheers and laughter) in your Excellency's Administration, contained in that address and of satisfaction at your appointment as governor of British North America at this important crisis, (hear, hear.) Any public circumstance tending to destroy confidence in the stability of the government, cannot fail to be productive of most disastrous results? (Ironical cheering,) and impressed with this feeling we would regret any occurrence which might have the effect of inducing your Excellency to retire from the government of British North America as a great public calamity. Deeply and immediately interested in these measures which it is the object of your excellency to mature, we find ourselves imperatively called upon at this juncture," (at what juncture? When he had declared publicly that he intended to leave Canada, when he had published the celebrated despatch in which he stated that intention) "To express publicly our confidence in your Excellency, and to convey to you the assurance of our active and cordial support in whatever measures you may contrive or adopt, having for their object the benefit of all classes of the community, and we trust your Excellency undismayed by opposition or misrepresentation on the part of those who are unacquainted with the true interests of the country, will continue to advance the great object of your mission." In order that there might be no doubt in the minds of hon. gentlemen opposite as to what their opinions were at that time, he would read a short passage from a similar address from the inhabitants of Kingston, we beg to reiterate the confidence we entertain in your Excellency's intention, and we earnestly solicit your excellency not to withdraw from the Government of these Provinces, until those measure (sic), in the prospect and promise of which the people of these colonies have placed so much reliance, shall have matured." (cheers.)-- So that the hon. gentlemen could fall down and worship the living Earl; but they could stand up now to insult the dead Earl. (Cheers.) They implored Lord Durham to stick to his post; there was then one lingering hope that old factions would have been supported, that libels upon the honour and loyalty of the people of this Province would continue, and place would still be enjoyed solely by honorable gentlemen who had no title to it. (Cheers.) But when Lord Durham published his report they said, "Oh, he



is a traitor--shoot him". He had ever said, and he would maintain it to the day of his death, that Lord Durham was the greatest benefactor the Province ever had. When the Upper Canada "loyalists" thirsted for the blood of their fellow citizens, it was Lord Durham who stood up and interposed his authority and the prerogative of the Crown, and persisted in restraining and preventing the sacrifice of human life. The hon. member then quoted as follows from Lord Glenelg's despatch, giving directions to the Governor:--"I trust that the causes of apprehension which lately existed, are now through the loyalty of the great body of the population, almost entirely at an end. I earnestly hope that they will be as moderate after success as they have been gallant in the time of danger." We were unable to take down the exact words of the remainder of the quotation; but the effect of it was to recommend the utmost moderation and lenity.<sup>26</sup>

In reading one Despatch, the following incident arose:--<sup>27</sup>

MR. J. A. MACDONALD (Kingston) said that he would feel obliged by the hon. member reading all the words.<sup>28</sup>

MR. SOL. GEN. BLAKE asked him what he meant.<sup>29</sup>

MR. J. A. MACDONALD said that he wanted him to read the whole of it, and would do it for him if he wished. He asked if it were Parliamentary in reading documents to leave out sentences and parts of sentences?<sup>30</sup>

MR. MORIN the SPEAKER did not remember that point of order.<sup>31</sup>

SIR A. MACNAB apprehended that if a member of the English House of Commons should leave out a part in reading a document, it would be considered irregular.<sup>32</sup>

MR. SOL. GEN. BLAKE told the hon. gentleman that he had a right to read any parts he liked.<sup>33</sup>

SIR A. MACNAB rose--both gentlemen maintained the floor.<sup>34</sup>

MR. MORIN the SPEAKER.--Order--order--order.<sup>35</sup>

MR. SOL. GEN. BLAKE continued to read from journals of the Imperial Parliament a number of documents which passed between Lord Glenelg, Lord Durham, and Sir Geo. Arthur for the purpose of showing that the Imperial Government and Lord Durham were opposed to the execution of any of the political prisoners of 1837 and 1838; but that Sir Geo. Arthur had strenuously insisted on the necessity of some capital punishments being inflicted. He said that this conduct of Sir Geo. Arthur was directly in the face of recommendations to mercy by some of the juries who tried the prisoners, and declared that that Governor's representation that executions were called for by the people of Upper Canada was a libel upon the people.--He was sensible that he should have more commended himself, if instead of reading the details he had done, he had confined himself to general observations. But he desired the observations he had made should be strictly deduced from facts declared by the British ministers; and now he asked the house, whether on consideration of the resolutions of his hon. friend the member for Montreal they ought not to be voted. Was it reasonable in considering this subject to leave out of view the condition of the Country before and at the time of these unfortunate events, or of the course of policy which hon. gentlemen

themselves felt a liberty to pursue, only a few years before? Looking at the journals of the house he did feel that the course now adopted on the other side was one, which was extremely difficult to sustain; he did feel that the gentleman before him could make no consistent opposition to the course proposed by the hon. member for Montreal, when he adopted the very words of the resolutions proposed by themselves in 1845. The resolutions restricted the payment of unjust losses as much as those of the hon. members' opposite. All that his hon. friend had, in fact, done, was to call on the house to pursue the inquiry already commenced, and no refinements of hon. gentlemen opposite could show in what the resolutions in his hands differed from those of 1845. If he left them, however, and turned to the recorded correspondence between the late government and the commission it had appointed, what did he find? (Here the hon. member read Mr. Daly's letter directing the Commissioners to make no distinctions as to the claims of any parties except such as was founded on the decision of the Courts of law.) Now, the hon. member for Sherbrooke had alleged that all the loyalist losses had been already paid. If so, what was the reason for issuing this commission, and requiring the minute classification of the claimants, to which he should presently refer? Why was it that they made any inquiry at all if all the loyalists--all who had any claim--had been paid their losses? They were insulting the common sense of the country--were they wasting the money of the country, or did they really intend to do that, which at the time they pretended that they were about to do? He now came to the report of the commissioners. It was according to the instructions divided into several classes. There were for personal property destroyed £111,127. for houses &c., £68,961 but there was also one other item amounting to £61,878; including £9000 for interest; £2000 for quartering soldiers, and £30,000 for losses by imprisonment, interruptions in business, trade, and goods carried off, &c. So that gentlemen who it was now declared had previously paid every loss that ought to have been paid, had deliberately issued a new commission, and had classified the claims, in such a manner that no less than £61,000 was set down to persons suspected of taking an active part in the armed resistance to government. But the commission went farther, and had actually received claims to the amount of £25,000, alleged to be due the persons who it appeared, had been condemned by court martial. So that for merely pursuing to the letter, the declared Legislative intentions of gentlemen opposite--and he used the word legislative intentions advisely--his hon. friends were to be denounced as ready to peril the peace and welfare of the country--to do that which should turn against them, the entire people of Upper Canada whom they represented. He would not assume that in employing commissioners at an expense of one thousand pounds, honourable gentlemen meant to throw £1,000 down the river, but when he marked the language of the amendment, and observed that the present was declared by it to be a fitting time for rewarding the brave men who had defended the country when he observed that he could not forget that the time for rewarding these brave men was said to be passed--for if the statement of the hon. member for Sherbrooke was correct, they were already paid. It was worth while, however, to compare the language of the resolutions and instructions to the commissioners in 1846 with those of the amendment proposed a few days before. In 1846 the rebellion was tenderly designated as the "unhappy troubles of 1837 and 1838" but now, in 1849, those acquainted with these documents, saw, with no little surprise, that the same gentlemen spoke of the same events, as that "unnatural



rebellion," while it was not thought too severe to stigmatize as "violent and lawless men" those who took part in it. Nor could he help reflecting upon a little letter which he found was addressed to the commissioners in 1846, pressing them to present their report. "I have the commands of His Excellency the Administrator of the Government to request from you, with the least possible delay, your report on the subject of your inquiry." "His Excellency being desirous to come to a decision on the course to be taken with regard to it during the present session of Parliament." How was it that hon. gentlemen sat by, while that report, now thought so monstrous was going through the house--how was it that some of them even pressed for its speedy presentation--how was it that they found it convenient to speak of those events as unhappy troubles in 1846, which were called by such a different name in 1849? How was it in short the style of their amendments differed so entirely from that of their letters and resolutions? (loud cheers.) For what purpose was it that they so altered their tone, as to-day to call those rebels, whom they so begged, so sollicitated, so implored to become the ministers of the crown in 1846? (continued cheers.) He would tell hon. gentlemen, that if Upper Canada were to punish himself and his friends for these resolutions, as for a crime--that they were ready to accept the punishment. God forbid that they should escape from it, as those persons did to whom he had been alluding. He did not refer to the miserable documents of those persons, written at a time when there was no constitutional government--when the highest offices of the state were unfilled, or filled by men, who did not possess in any degree the confidence of the people, as the justification of his support of these resolutions; but he did refer to them in order to ask honorable members opposite if their conduct to-day compared with their conduct then, was it a proof of their consistency, their loyalty, or their patriotism? When his hon. friend the member for the North Riding extended to those gentlemen, whom he was proud to call his fellow subjects, the right hand of friendship, he had seen with pain how needlessly and carelessly the hon. gentlemen opposite had seized the torch of discord and hurled it amongst the people of the Province--how they had stirred up antipathies of race--and all the various antipathies which divided men from each other. He trembled when he saw that though his gracious Queen had granted a full amnesty to all, there were yet men who would excite these discords only to bring themselves again into office. He would refer to that which he considered the real justification of the course he should pursue, and which might perhaps weigh with hon. gentlemen, even could they forget their own proceedings in 1846. He would merely ask this question--were not losses sustained by the people of Lower Canada during the troubles, which the people of Upper Canada ought to repay--losses caused without necessity, some from the spirit of the gallant militia, the loyal enthusiasm of the Province, or other similar causes?<sup>36</sup> I shall not speak of what I have heard and seen; I shall read the House without one word of comment, the accounts given by those high in authority here, which cannot be supposed to exaggerate the suffering which they witnessed and deplored:--

In the Despatch of Lieutenant General Sir John Colborne to Lord Glenelg, bearing date 30th March, 1838, we find:--

"On the evening in which the troops took possession of St. Eustache, the loyal inhabitants of that village and neighbourhood, anxious to return to their homes, and to protect the remainder of their property, followed the troops; and I believe it is not denied that the houses which were burnt,

except those that were necessarily destroyed in driving the rebels from the fortified church, were set on fire by the loyalists of St. Eustache and Riviere du Chêne, who had been driven from the country in October and November."

And again in a Despatch from Lord Glenelg to the Earl of Durham, dated June 2nd, 1838, we have as follows:--

"Having laid that Despatch before the Queen, Her Majesty has commanded me to desire Your Lordship to signify to Sir John Colborne, that while she deeply laments that any needless severities should have been practised by one class of Her Majesty's subjects against another, Her Majesty is gratified to learn, as she fully anticipated, that her troops are in no degree responsible for any of the excesses which unhappily attended the defeat of the insurgents at St. Benoît and St. Charles, but that in the harrassing service in which they were engaged, they maintained unimpaired their high character for discipline and moderation."

And again in a Despatch from Sir J. Colborne to Lord Glenelg, there is the following enclosure:--

"Beauharnois, 13th November, 1838.

"Sir,--Col. Carmichael having marched yesterday to St. Martins with the 1st and 2nd Regiments, Glengarry Highlanders, it becomes my duty to send you the enclosed return of the men wounded in our attack on this place, on the night of Saturday last, the 10th instant, I regret exceedingly to have occasion to inform you, that I have found it impossible to prevent the destruction of the greater part of this village by fire.

"The whole of the troops were under arms for this purpose until past three o'clock on Sunday morning, although they had been so much fatigued and harrassed by the exertions of the preceding day; but they had no means of extinguishing the flames, which I am sorry to say, have extended to the houses of many loyalists.

"I have, &c.,

"GEORGE PHILLPOTTS, Major, R. E.,

"Lieut. Col. Commanding at Beauharnois."

To Lieut Col. Eden, D. A. General,  
Head Quarters.

A second enclosure in the same Despatch as follows:--

"St. Edward's (or St. George), 11th November, 1838

"Sir,--I have the honor to report my arrival in this place. By all accounts the rebels have completely dispersed. Soon after leaving Douglas' Corner, we came to the houses of two notorious rebels, of the name of Boyer, who were engaged in the revolt of last winter. I caused their houses to be burned; and at La Grand Frenier I also had the house of a notorious rebel, of the name of Bell, a blacksmith, who manufactured pikes for the insurgents, destroyed by fire on our march; and at this place I have made prisoners of several leaders of minor note, whose houses I shall also cause to be destroyed on my moving off.

I have, &c., &c.,

J. McDONALD,

Major General.

To His Excellency, Lieut General Sir J. Colborne, G. C. B., &c., &c.,

And again, in a despatch from Sir J. Colborne to Lord Glenelg, under date 19th December, 1838, we find as follows:--

"It is with great concern that I inform Your Lordship that many houses were burnt in L'Acadie and in ... while the rebels were in arms; but these



acts were in no instance sanctioned, except where arms and ammunition were discovered, or committed by the regular force employed, but by persons who had suffered by the insurgents, and were acquainted with the character of their neighbours. Under such circumstances as have occurred, it is scarcely possible to prevent irregularities, but I have satisfaction in reporting, that in every instance in which any have taken place, the officers have used their utmost exertions to bring the offenders to punishment."

And lastly, Lord Durham in his Report, page 59, states:--

"It cannot, however, be doubted, that the events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada. A degree of discontent, approaching, if not amounting to disaffection, has gained considerable ground. The causes of dissatisfaction continue to act on the minds of the reformers; and their hope of redress, under the present order of things, has been seriously diminished. The exasperation caused by the conflict itself, the suspicious and terrors of that trying period, and "the use made by the triumphant party of the power thrown into their hands, have heightened the passions which existed before. It certainly appears too much as if the rebellion had been purposely invited by the Government, and the unfortunate men who took part in it, deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for the error. It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character. The whole body of reformers were subjected to suspicion, and to harrassing proceedings, instituted by the magistrates, whose political leanings were notoriously adverse to them. Severe laws were passed, under color of which, individuals were generally esteemed, were punished without form of trial."<sup>37</sup>

He did not mean to blame the part taken by the hon. members opposite; all men who had obtained power would seek to defend it when attacked. He would even give them free leave to call love of office by the name of loyalty; but he declared that, in his opinion, this feeling was, at the time of these events, carried to an excess. It had, to use the words of Lord Durham in the despatch, which he had last read, made it appear "too much as if rebellion had been invited by the Government, and the unfortunate men engaged in it drawn into a trap by those who subsequently inflicted most severe punishment for their error"--it had led, according to the same authority, "to the imprisonment of most respectable persons, generally esteemed, without form of trial, in order through them to put down the whole body of reformers."<sup>38</sup> I know, Sir, that no observations of mine could add to the weight of testimony which I have adduced, proceeding as it does from the most unquestionable sources; and I have already trespassed so long upon the patience of the House, that I shall not suffer myself to add a single observation. But the House will permit me to say, that I, as an individual, have no disposition to shrink from the responsibility of supporting the measure of my honorable friend.<sup>39</sup> If it were necessary to indemnify those, who suffered then to bring about reform, he for one would never object to pay his quota. Nor did he believe that the course adopted by the Government would be so unpalatable to others as to bring about rebellion. Let him here tell gentlemen opposite, that it was not his (Mr. B.'s) side who had any sympathy with revolutionary



violence. He had heard something of such sympathy in that House; but it had been from the other side<sup>40</sup>. When the other evening the honorable Member for Saint Maurice proposed an amendment to the address in answer to the speech from the throne, because that address contained no expression of sympathy with the fearful scenes now passing in Europe, that call of the honorable Member for Saint Maurice was not responded to from this side of the House. The sympathy with revolutionary violence proceeded from a very different quarter. Those of us who witnessed that strange scene shall not shortly forget the hot haste with which the honorable Member for Gaspé pressed forward not only to support but second the honorable Member for Saint Maurice. The eulogy of the honorable Member for Gaspé was in such happy unison with his whole former life that it was exceedingly pleasing. I have too much respect for the honorable Member for Saint Maurice, to think that he sets much value upon a eulogium coming from that quarter. I shall not attempt to trace it to its origin, but from whatever source it may spring, no doubt can exist that the expression of sympathy with revolutionary violence, proceeded from that side of the House. We on this side could not support the amendment, because, so far from sympathising with those fearful scenes, we shuddered to behold the ancient capital of Austria bathed in the blood of its citizens--we wept to behold that fairest city of southern Italy laid in ashes in the frightful revolutionary conflict for popular freedom<sup>41</sup>, a prey to the soldiers of a merciless oppressor<sup>42</sup>. We stood appalled at the sight of a minister of our Holy Religion, clad in the vestiments of his<sup>43</sup> profession of peace and good will, holding the olive branch in his hand<sup>44</sup>--we stood, appalled to behold that holy and venerable prelate, while devoting himself with true christian heroism<sup>45</sup> to arrest the fury of contending passions and civil discord--when they say him stopped by the ruthless hand of red republicanism, and fall a martyr to humanity. They had no sympathy with that movement which, advancing with giant strides, had overturned the throne of a pious monarch--the high priest of the Church the head of Catholic Christendom, who had sought to lead his people to every useful and valuable reform. They had no sympathy with such scenes<sup>46</sup>. When we see this pious Sovereign hurled from his Pontifical throne in the same fierce conflict, we implore Him who alone can control such fierce elements, that he would turn<sup>47</sup> these revolutions to that good end, to which he alone could convert them. Yet these were the events which excited the sympathy, the approbation, of hon. members who would cut off their hands before they would pay £90,000 to the sufferers by the rebellion. (No, no.) No! why he saw gentlemen on that side who had voted with the hon. member for St. Maurice against the address of the Governor General, because it did not contain any expression of sympathy with the men who had produced those events.<sup>48</sup>

MR. CHRISTIE called the hon. gentleman to order. The hon. member had no right to make any comments upon a former debate. He would wish the hon. gentleman to confine himself to the subject before the House.<sup>49</sup>

MR. SOL. GEN. BLAKE did not allude to any particular expression made use of during the debate he alluded to, but he conceived that he possessed a perfect right to allude to the course pursued by hon. members during that debate. He would, however, leave the hon. member for Gaspé in his modest retirement, but again repeat that the reference made by the hon. member for St. Maurice to a revolutionary crisis, met with no response on his side of

the House. It did meet, with a most extraordinary response from hon. gentlemen opposite.--God forbid that they should rejoice in the bloodshed and strife that has been caused by the struggle in Europe--that same struggle which has been fought out in this country in 1796, 1837, and 1838.<sup>50</sup> Deeply do we sympathise with the wrongs of suffering humanity in every clime; but while we sympathise with the wrongs, we believe that it is also permitted us to deplore those awful struggles by which nations have been driven to break their chains.<sup>51</sup> But while he deplored the unhappy condition of those parts of Europe now in revolution, might he not be allowed to look with pride upon his own happy land, which, protected by the constitution that resulted from the revolution of 1668, alone remained firm and unmoved when every other country in Europe was shaken to its very centre? No violence was necessary, under that constitution, for the attainment of any reasonable project. How different from those countries where the people have found it necessary to take arms in their hands for the attainment of that liberty for which they panted? How different from the aspect presented by this Province only a few years back? We had a constitution modelled on that of the Mother Country, and he did not fear any threats of violence on the part of any man, if we were not robbed of that constitution<sup>52</sup> which has, as it were, outlawed Revolutionary violence,--a constitution which contains within itself the constitutional means for remedying every constitutional, every individual wrong.<sup>53</sup> But have those hon. gentlemen in truth made up their minds to lead 100,000 of their fellow subjects to disorder and bloodshed? Had they made up their minds to devote themselves, instead of turning to the developement of the great sources of the country, and cultivating the most kindly feelings amongst its inhabitants, to the revival of the worst passions of our nature and carrying the torch of discord through the land?<sup>54</sup> Believe me, Sir, these Provinces are not distant lands bound together by the hard iron hand of power; they are Sister Provinces united by the strongest ties of kindred, of interest, of affection<sup>55</sup>, each profiting by the advancement, the progress of the other. Whatever operates beneficially or unfortunately on the one, immediately affects the other, and why should there be this menacing hatred between them? True it is Lower Canada has been saddled by an enormous debt (sic), contracted without her consent by her sister Province,<sup>56</sup> an injustice which I confess I am not prepared to sanction.<sup>57</sup> But he trusted that his hon. friends from Lower Canada had already perceived that the line of Canals, the construction of which occasioned this debt was for their advantage, as well as for the advantage of Upper Canada. He trusted that they would consider that every step towards improving the navigation of the<sup>58</sup> noble River,<sup>59</sup> St. Lawrence from its head to its mouth, and encouraging the commerce of the Western States, will result in the mutual advantage of both sections of the Province.<sup>60</sup> When I look to the fertility of our soil, the salubrity of our soil, the salubrity of our climate, the extent and perfection of our internal navigation, I cannot repress the glow of admiration at the view of so much prosperity awaiting, inviting the hand, of industry for its development.<sup>61</sup> There is but one bane to the prosperity of the country, possessing as it does every element of prosperity and wealth, and a race of men habituated to industry; it had but one bane he said, and he put it to the hon. gentlemen opposite, whether they had no hand in producing it--the bane of discord, which he thought had slept, but which he could now see was to be roused again. He called on those hon. gentlemen to abandon and forget their petty party politics, and to join with hon. members on his side



of the House for the advancement of their common country. He asked them to do so in the name of civilisation and humanity. He asked them to do so in the name of children, whose welfare their proceedings must affect; and he asked it of them in the name of their common Father, "who causes his sun to shine alike on the just and the unjust."<sup>62</sup>

MR. CAYLEY felt a good deal of hesitation and diffidence in speaking to the question before the Chair.<sup>63</sup> Apparently he said his hon. friends occupied a weak and contemptible position<sup>64</sup>. He felt they were a small and devoted party doomed to destruction, like a flock of startled birds which had gained some temporary shelter, and were driven out<sup>65</sup> from their favorite thicket<sup>66</sup> by the sportsmen's dogs, and shot down one by one<sup>67</sup> without mercy<sup>68</sup> by the unerring marksmen on the other side<sup>69</sup>. But not contented with heaping on him and his hon. friends, the most unwanted reproaches, hon. gentlemen opposite had added insult to injury, and mockery to insult<sup>70</sup>, and ... they were invited to assist at their own dirge, and join the tuneful member for the South Riding of York, Mr. Price, in singing--

"Pity for the sorrows of a poor old man," &c.

When they had risen to speak on the question, they had been instantly assailed with insults; fists had been dashed in the face of a Briton, for daring to hold up his hand ... he was told to get out as a scrub of a Tory<sup>71</sup>, and insults of the grossest nature heaped upon their unhonoured heads, upon the brave militia of U. Canada and its public officers.<sup>72</sup> The member opposite had made a very skilful attack upon the hon. member for Hamilton, knowing that his hon. and gallant friend prided himself upon his loyalty; that he endeavored to assail it, but when the hon. member (the Solicitor-General) had been called upon to repeat his charge, he attempted to deny that he had charged him with disloyalty, by trying to draw a fine distinction between one kind of loyalty and another. The hon. member had taken them through all Europe to Spain, to England,<sup>73</sup> their Judges were compared to Jefferies, their brave and loyal militia, compared with Col. Blood;<sup>74</sup> the loyalty of his (Mr. C.'s) friends with that of the Duke of Alva, and with that of the execrable Jeffries,<sup>75</sup> all history was ransacked for opprobrious and disgraceful epithets, but in the meantime, their calumniator had forgotten to find for himself a parallel. That would have been a difficult task. The immortal Hampdens and Staffords might have been allowed to sleep in peace, whilst he might easily have discovered one who, bearing a similar character to himself, accustomed to the use of reckless accusations and unfounded statements, would ((be)) a far better likeness--Titus Oates! The hon. gentleman had boasted in loud terms of his loyalty--his loyalty not produced by reason, not produced by conviction, but wisdom<sup>76</sup>. "Some men are born great, some became great, and some had greatness thrust upon them." So he (Mr. C.) supposed it might also be said that some men were born loyal, some men became loyal, and some had loyalty thrust upon them. This man, so loyal, possessed of such an extraordinary loyalty, had, among other things, attempted to teach them history<sup>77</sup>, with some novel commentary of his own, asserting among other extraordinary things, that Marlborough was a Dutchman, and had destroyed, 18,000 of his countrymen, made a series of charges of the most extraordinary character respecting the Government of the Upper Province, and then singling out the hon. member for Hamilton as the especial object of attack, fixed them all on his shoulders in a lump, and entitled him "rebel."<sup>78</sup> His gallant friend, not accustomed to such taunts, instantly sprung up to his feet,



and said, if the hon. member called him a rebel, he was a liar.<sup>79</sup> "But," said the mirror of loyalty, "you must follow my discourse through all its subtle reasoning, and then you will discover that I did not call you a rebel to your king, but that you were one of a party whose government was injurious to the country."<sup>80</sup> They had been told by members opposite that they approved of the payment, by the late Ministry, of the £4,500, but that their motives, in doing so, were corrupt; but he denied that their motives were corrupt.<sup>81</sup> He would not pursue that subject any further, but would turn to the question before the House. He and his hon. friends near him had been told that their administration of the Government had been ... corrupt<sup>82</sup> weak and imbecile<sup>83</sup>--that their appointment of commissioners to investigate the claims for rebellion losses in Lower Canada was a proof of that imbecility; and it was alleged in excuse for bringing this question forward now.<sup>84</sup> Yet, the strong Government they had now, in bringing this question before the house, had not dared to avow their real intentions, but had said they only intended to carry out what had been begun by their predecessors.<sup>85</sup> They did not follow out the conduct of the late ministry with respect to the Stuart case. (Hear, hear.) And why not? But he would let that pass. It was well for them to bring forward the example of the late ministry to account for introducing the present resolutions. Strong as their majority might be, they dare not bring them before the House without some such excuse. Strong in numbers, but weak in influence, they would yet stink in the nostrils of the country. But let it be remarked that the resolutions introduced by the late Government were for the payment of the just losses. That was a proposition he had supported ever since 1838, for, as he understood it, it was for the indemnification of those who had suffered in the cause of loyalty by the depredations of invaders and rebels; but he never had given his support to any proposition for the payment of those engaged in rebellion.<sup>86</sup> By the 5th Resolution now before them, he was aware that they intended to include those who had taken part in the Rebellion; and he asked to amend the 1st Resolution, by inserting the words "in the cause of loyalty", in order that there might be no doubt as to the classes which were really meant by the former Resolutions. The Act of 1840 showed that the late Administration really intended to pay only just losses. It was entitled "An Act to provide for the payment of the Just Claims for Losses arising from the late Rebellion;" and that was what he and his friends were still prepared to do.<sup>87</sup> In the act passed in the year 1840, there was a line of distinction drawn between the two parties. The same distinction was kept up in the address of 1845, in which his Excellency was represented to indemnify the people of Lower Canada for their just losses. That did not mean to pay traitors for taking up arms but to indemnify those loyal men who armed in defence of the country, and for the purpose of putting down rebellion. But the meaning of that address had been tortured, so as to make it appear that he and his hon. friends had altered their tone; but, for a denial of that charge, he had only to appeal to any man who was capable of reading the different documents impartially.<sup>88</sup> The hon. member then read extracts from the instructions given by the Secretary of the Province in December of 1845, requiring them to carefully classify the claims of those engaged in the rebellion from the claims of others; and also referred to the Commission appointing the Commissioners, who were ordered to enquire into the losses sustained by Her Majesty's loyal subjects. Did that embrace the losses of those who

were in arms against their Sovereign? It had been said the Instructions differed from the Commission; but he maintained that they did not differ in the least degree from them. He would now refer them to the answer given by them to a question put by Mr. Leslie during the Session of 1847<sup>89</sup>.

Hon. gentlemen, he had no doubt, remembered, that at the time the contest between the two parties in the House, was carried on with a great deal of spirit, the ministry had a very small majority, and no effort was spared by the opposition to place the ministry in a minority. It was under these circumstances that Mr. Leslie, now in the Cabinet, was directed to inquire of the ministry whether they intended to pay the Lower Canada rebellion claims. The answer was--and he would call on hon. gentlemen to contrast it with the assertion of the hon. member opposite--that the ministry did not intend to indemnify those parties who had taken up arms against their Sovereign. The immediate consequence of that answer was that they lost the vote of the hon. member for the Lake of Two Mountains.<sup>90</sup> Now, if they had been so anxious to maintain power, as had been said, would they have given an answer which would have the effect of depriving them of their office? At that time every thing was tried to drive them out of office; inducements were held out by the members opposite to the supporters of the Administration. One of their supporters was offered the office of Adjutant General,<sup>91</sup> if he would desert his party, by a leading member then sitting opposite.<sup>92</sup> (Cries of name, name.) He would not mention names, but he was granted a Select Committee, he was prepared to prove his assertion. The hon. member then went on to say he was not surprised at the measure before the house; that it would be recollected that some correspondence had taken place between his friends and the heads of the French Canadian party, which was commonly spoken of as the Caron Lafontaine Correspondence, and which had long ago been placed before the house. This correspondence showed that they had every desire to concede to the French Canadians a fair share in the government of the country. It was rejected, because that they were not prepared to allow the French Canadians to<sup>93</sup> rule over the great majority of the people. It was, however, equally clear that there was a third party at work in the Province<sup>94</sup> who had endeavored to prevent the Union, because it felt that it would be deprived of all chance of office if the negotiation succeeded. That party was prepared to do any thing to prevent it, and to form a coalition themselves with the French Canadians. This was the first fruit produced by this coalition, and he had no doubt that other calls equally unjust and unfair would be made by it. Every thing showed that they were quite prepared to do any thing rather than to abandon their power.<sup>95</sup> Owing to their machinations, the ministerial proposition fell to the ground; the coalition was effected, and now the first instalment on the purchase money was to be paid. And every declaration in that House and out of it, showed their determination to risk every thing and grant everything for the purpose of retaining their purchase.<sup>96</sup> The hon. member then proceeded to ask, upon what principle it was that they were called upon to support the measure before the house? If it was in consequence of the correspondence which had taken place between the Home Government, that they were called upon to encourage rebellion, for if treason occurred again, it would be in consequence of its having now been well paid; they had a right to see that correspondence to know how they stood with the Mother Country, whether any demand had been made by their Sovereign upon them to pass such a measure, on whether it was brought forward by the members opposite, for the purpose of weakening the ties



which bound them to the Home Government. He believed that they did so for the latter purpose. An hon. member said that the members opposite would build a monument to Lord Metcalfe. He had never said a truer word. They would, by the very measure before them, build a monument to Lord Metcalfe which would be more durable than either stone or marble. They had refused time to allow the people of the country to express their opinion, and they might thrust the measure upon them, but they could not prevent them from making an appeal to the British House of Commons, and to their Sovereign--(cheers and applause from the galleries.)<sup>97</sup>

MR. ROBINSON regretted that he felt it necessary to make some remarks after the long discussion which had taken place, which probably would have been avoided if the members opposite had answered the question which was put to them at the commencement of the debate, as to whether it was their intention to pay the losses sustained by those who had taken part in the Rebellion? The hon. members opposite could not expect that the members on his side would allow the attacks to be made which had been without their answering them. It was very well for the hon. Commissioner of Crown Lands to state that the parties whom he had referred to had governed the country in a manner contrary to the wishes of the people; but how did he know that the wishes of the people were against them, or that they did not possess their confidence in Upper Canada? The hon. member had referred to the Family Compact, to the Robinsons, the Sherwoods, the Joneses, the McNabs, &c., and said that they did not fairly represent the people in the House of Assembly; but how was it they never had been rejected by their constituents; and might they not have had seats to that day if they had not been appointed to higher offices by their Sovereign? They never had the slightest difficulty in getting into Parliament; neither had he when it suited their purposes; but this was not the fact, they never did so until the whole country demanded it.--The hon. member then referred to the offices held by his (Mr. R.'s) family; he referred to the Chief Justice; well, he supposed that the Chief Justice fulfilled the duties of his office; he also referred to the office formerly held by his (Mr. R.'s) brother and now enjoyed by the hon. member himself; that office the hon. member must know was conferred on his brother in England, and if there was any crime in holding it, the hon. member was equally guilty, as he took the first opportunity of getting it himself; and as to his (Mr. R.'s) own appointment on the Welland Canal, that was not a Government one, but made by the Welland Canal Company, and he was indebted for it to the President of the Council, who then was the President of the Company. The hon. member must have known well that the appointment of one Lukin Robinson, as Reporter to the Queen's Bench, was not made by the Government, but by the Law Society; the hon. member had also said that nineteen-twentieths of the offices in Upper Canada were once filled by members of his (Mr. R.'s) party, and that a majority of them were still held by them; well, why did not the Government turn them out, if they did not do their duties faithfully. The only question of any importance to the public was, whether the duties were well performed, and not the individuals who filled them. There was a great many other remarks made by the hon. member, which were unworthy to be said in such an Assembly, but might do for stump speeches at elections, and which he (Mr. R.) would not take up the time of the House in remarking upon. The hon. member had spoken about Sir Francis Bond Head's government; of his being surrounded by the same party; of his having dissolved the House,

and agitated the country soon after his arrival. If he did so it was not until the people from one end of the country to the other had called upon him to do so; and he was not the only party who agitated the country; those who were opposed to him were equally forward and active in doing the same. He did go to the country, and what was the result? It showed that Sir Francis Bond Head did possess the confidence of the country--and the result was not obtained in the manner in which it was said to have been obtained by the hon. member, who stated that it was obtained by brute force, by means of the organization of Orange Associations, and by the issuing of thousands of deeds. Neither was it true that Sir Francis organised Orange Lodges--the Orangemen of Canada require no hint from any one as to their duty at all times when called upon by the country.--He was no Orangeman, but would not allow them to be treated differently from the other people of the Province, unless they transgressed the law. The statements made about the elections being carried by brute force were not true, and could not be substantiated before the house. As to there being thousands of deeds issued, he was certain that there was no ground for the assertion whatever, and he would mention one case which would show how little ground there could be for it. There was an old Sergeant who had served throughout the Peninsular War, who had performed more than the requisite duties to entitle him to obtain his Deed; but who wanted a few weeks to complete the time required. This man asked for his Deed, in order to get it in time for to vote, and he (Mr. R.) himself applied to Sir F. B. Head for it, mentioning the fact of the man's having performed much more, in other respects than residence required, to entitle him to his Deed; but Sir F. B. Head peremptorily refused. The hon. member said, Sir F. B. Head had done wrong in sending away the troops from Upper Canada. But this did not look like his not possessing the confidence of the people--when he called upon them, almost every man responded to the call. In parts of his (Mr. R.'s) county, every man pressed forward without being ordered to do so, and tendered their service. The hon. member, then went on to say, that if the country had been mis-governed, as it had been said it was, by a faction, such a result would never have been obtained by Sir F. B. Head as was when he called upon the people of Upper Canada. Were the people such fools as not to know their own rights?--They were not so easily dictated to. And why did the hon. Solicitor-General not turn him (Mr. R.) out in a county where three-fourths of the electors were Irishmen, like himself?--Notwithstanding all the misrepresentations that were made against him, he (Mr. R.) was returned for the county he now represented by a very large majority. And if the parties who might hereafter govern the country, never did any worse than was done by his (Mr. R.'s) party, he had no fear of the country's prosperity. The hon. member then went on to make remarks on Lord Durham's Report, and said that they should not refer many portions of it, but take it altogether. He (Mr. R.) had no very great fault to find with the Report, but he must say that he thought the noble Lord had left the country without knowing very much about it--He believed, that although Lord Durham went to the Falls of Niagara, and had enjoyed much conversation there with some of the free and enlightened citizens, that he did not see any of the country west of the city represented by the hon. and gallant Knight at his (Mr. R.'s) side. In that document, which it had been said would go down to posterity, it was said "never again will the present generation of French Canadians yield a loyal submission to the British



Government; and in another place it was stated, that he (Lord Durham) did not think that the British population would ever again tolerate a house of Assembly in which the French Canadians had a majority, or an approximation to it. He (Mr. R.) did not believe this and although the French Canadians had a majority in that house, he would not object to it, unless that it passed bad measures. The hon. member then went on to say, that Lord Durham had said, that he had left the country in a state of contentment. To show that he had very little ground for saying so, he would state that the affair at Prescott occurred very shortly after his departure. The hon. member then proceeded to say, that he was sorry that he had taken up the time of the house so long; that he intended to vote against the measure; that he thought the members opposite had no right to call the people who had turned out at the call of their Sovereign, "Goths and Vandals," and that much of the bitter feeling which had been exhibited in the course of the debate was to be attributed solely to the members opposite calling those on his side of the House Rebels.<sup>98</sup>

MR. INSP. GEN. HINCKS.--No.<sup>99</sup>

MR. ROBINSON.--Certainly, the hon. member said so.<sup>100</sup>

MR. INSP. GEN. HINCKS rose to explain the term he had made use of the other day; and he would remark, that the hon. member for Toronto had himself admitted that he was justified in the language he had made use of.<sup>101</sup>

MR. H. SHERWOOD had done nothing of the kind. Did the hon. member suppose that he was going to write himself down a condemned felon.<sup>102</sup>

MR. INSP. GEN. HINCKS continued--The hon. and gentleman had admitted that he was justified in using the line of argument, which brought him to that conclusion. As a matter of course, he did not mean that the hon. member agreed with him (Mr. Hincks) in opinion.<sup>103</sup>

MR. SHERWOOD had admitted that the line of argument adopted by the hon. gentleman was in accordance with Parliamentary rules.<sup>104</sup>

SIR A. MACNAB said, that there was no necessity for any explanation. The hon. member had been understood correctly.<sup>105</sup>

MR. ROBINSON continued.--He did not think the honorable members opposite justified in applying such a term as Rebel to the members opposite, and that the members around the hon. member who had used the word, cheered him when he did so, and also when he called the loyal people of this country Goths and Vandals, because that they had turned out at the call of their Sovereign. The members opposite had also talked about spurious Canadian loyalty, but if they had looked back at the early history of the country, they would find that the loyalty which they now called spurious, preserved this country to the British Crown. The hon. Solicitor General had told them that his loyalty was inborn; that it was not a loyalty like that of the members on his (Mr. R.'s) side, which trampled on the rights of the people. But why did he not succeed with the people of Simcoe when he went there? Why did his (Mr. R.'s) loyalty succeed, when the hon. gentleman's failed, and with a loyal people? for a more gallant people than lived in the County of Simcoe did not exist. The hon. member, after some remarks to the effect--that it was owing to the exertions of his party that all the public improvements in the country had been effected, that he himself was the first person that had introduced a Bill for to construct a Macadamized

road, that all these improvements had been opposed by the party opposite, and that the members on his side had done far more for the peace and prosperity of the country than the members opposite--concluded by complaining of the want of candour which had been exhibited by the hon. members, who had not given the house any information upon the question; that they had only ascertained that the amount asked for (£90,000) was from an accidental remark made by one of the members opposite.<sup>106</sup>

MR. COM. CR. LANDS PRICE rose to explain.<sup>107</sup> He had been misunderstood with regard to the remarks he had made about the Chief Justice and other relations of the hon. member. The hon. member opposite had attacked the Grey family, and referred to the offices held by that family, and he (Mr.P.) wished to show that more offices had been held by one family in Upper Canada than by the whole family of the Greys, and he had selected the Robinson family, in preference to all others, because one of its members was present, and liked better to speak of parties before their face than behind their backs. He did not say anything against any of them, and he trusted the hon. member would give him the credit of having said that he considered the Chief Justice a credit to the Province, and that he was sorry that the hon. member had not been provided for by his friends, when they were in power.<sup>108</sup>

MR. ROBINSON trusted that the hon. member would take an early opportunity of remedying the omission (hear, and laughter.)<sup>109</sup>

MR. COM. CR. LANDS PRICE would rather leave the pleasing task to the hon. gentleman's friends around him, when they returned to office. (Laughter.)<sup>110</sup>

SIR A. MACNAB rose amidst loud cries of "spoke" and "order."<sup>111</sup>

MR. H. BOULTON objected to his doing so.<sup>112</sup> The gallant Knight had already spoken once in the course of the debate.<sup>113</sup>

At this juncture, a message was received from the Legislative Council, and the departure of the messenger.<sup>114</sup>

MR. MORIN the SPEAKER said, that in his opinion, the gallant Knight was clearly out of order. He had already spoken for one hour and fifty five minutes on this debate<sup>115</sup> and therefore had no right to speak again unless with the consent of the house.<sup>116</sup>

SIR A. MACNAB said that a great part of the speeches of the hon. gentlemen opposite had been in reference to "the gallant Knight", his affairs, his opinions, and his legs. (A laugh.)<sup>117</sup> He considered he had a right to reply.<sup>118</sup>

MR. SHERWOOD would move that the hon. member for Hamilton be allowed to address the House.<sup>119</sup>

Several hon. members on the Treasury Benches cried out that it was unnecessary. There was no objection to his being heard.<sup>120</sup>

SIR A. MACNAB then addressed the House at great length, in reply to the Solicitor-General West and Mr. Price.<sup>121</sup> After all the various attacks which had been made against him during the last two days, he felt some difficulty in getting up to reply, he was sensible that he had not the high abilities of the Solicitor General, he was well aware that he was



unable to contend with a gentleman so distinguished in the Province, but he must take the earliest moment in his power to disclaim the very ungenerous motives which he had been accused of being actuated by, referring to the Grey compact. The hon. Commissioner of Crown Lands said, that he (Sir A.) had made the allusion to the Grey family, with the view of insulting and injuring the feelings of a lady, occupying a very distinguished position in this Province, and who was admired, respected and honored by all who ever had even the pleasure of seeing her. He now publicly, before the country, disclaimed being actuated by such highly improper<sup>122</sup>, injurious<sup>123</sup>, and unjustifiable motives, he could not express his surprise at such imputations coming from members of the House, more especially<sup>124</sup> that any member of the Executive Government should have travelled as far out of his way to condescend to ascribe such motives. As long as he had the honour of a seat in the House he would<sup>125</sup> not, when he was obliged, in the discharge of duties, to make any remark upon the conduct of any person refrain from doing so. While he sat in that House, he had a right to express his opinions freely and openly. The hon. member opposite had charged him with following the character of Lord Durham to the grave--yet, what did that hon. member state with reference to Sir F. B. Head--Was he not accused of every crime which it was possible to accuse a man of? Had not the hon. member attacked Lord Metcalfe, who had gone to his grave respected by his Queen and by the whole empire, (hear, hear). The hon. member told them that Sir F. B. Head was guilty of murder, that he trampled the rights of the people in the dust, and that Lord Metcalfe followed his example. Let them look to the whole life of Lord Metcalfe and see the honours which had been conferred upon him, and then let them attempt to ascribe to Lord Metcalfe the desire of wishing to trample upon the rights of the people.<sup>126</sup> He ridiculed the Solicitor General's mode of addressing the House; defended the family Compact from the Charge of having acted corruptly and trampled on the rights of the people of Upper Canada; they possessed far more of the confidence of the people, than the hon. member ever possessed<sup>127</sup>. The hon. and gallant knight then proceeded to speak at some length in answer to the remarks of the Solicitor General about Canadian loyalty, and stated that the hon. Solicitor-General with all his superior loyalty had been driven from the hustings in a county where the majority of the electors were Irishmen who declared it to be all botheration and froth. That he then tried another county where almost all of them were also Irishmen and although he spoke at every little Township in it, and told them about the family compact and his inborn loyalty, the Irishmen there also said it was all botheration and broth (sic), and rejected him, and that he was not elected until he was absent in England, when the people had not an opportunity of hearing him speak. The hon. member had denounced Sir George Arthur for murder, and said that he was a blood-thirsty man, and that Sir F. B. Head was as guilty, although he (Sir A.) believed that Sir F. B. Head never executed a man in U. C. Sir F. B. Head was a man superior to any of the hon. members opposite, he was a man who discharged his business honestly and boldly. They were told that Sir G. Arthur was a murderer, but they had not told a word about the murder of Col. Moodie, that was a different thing, that was only an accident but how was it that the British people and they were surely qualified to judge of his merit, how was it that they gave him a baronetcy and gave him one of the richest governments in their appointment. This murderer was made by the Queen a privy counsellor for life. All this was done however, before the hon.

member had made his speech, or Sir G. Arthur would not have got it all. (Laughter.) The hon. member had accused the Duke of Richmond of robbing the public chest, but that nobleman had only taken the money at the command of the British government, and was perfectly justified in what he did. The hon. and gallant knight then went on to say that it was a public misfortune for the whole empire that such a man as the Solicitor-General was ever allowed to leave Ireland, it was really too bad, he said, that in two counties his countrymen had not been able to appreciate his wonderful talents. The hon. member had said, that rather than he would submit to such a government as that which he had described the people of Upper Canada as living under, he would take up his gun upon his shoulder and go forth and die. (Laughter.) Ah, how many were the perils which environed the man who touched cold steel. (Laughter.) The hon. member also had spoke about Colkirke in 1685, and told them about his hanging 19 men; was not that wonderful information, but he had forgot to tell them about Chartrand in Lower Canada. He had also told them that the administration of justice in Upper Canada was impure, he (Sir A.) supposed it never would be pure until the Vice Chancellor was removed and the hon. member got his place with all his innate loyalty, but the gentleman that now filled that office was as much liked as ever any man was and his memory would live and be revered by the people, when the hon. member opposite, and all his important loyalty, was forgotten. The hon. member had spoken much about the Council of Sir George Arthur; but who composed his Council, was not Mr. Sullivan one of them, and was not the uncle of the Attorney General West another, and did that hon. member think his uncle was one of the men who had advised Sir George Arthur to murder all the people he was said to have done. The hon. and gallant knight then went on to say, that he was much astonished at the conduct of the Commissioner of the Crown Lands, in speaking as he had done about the family compact, and referred to several of the appointments mentioned, and said, that it was extraordinary that gentlemen who had injured the country so much, should have enjoyed the confidence of the people of Upper Canada to the extent they had done, and that their sons should enjoy it after them; and that there were other families than theirs had enjoyed offices, the hon. Attorney-General opposite, for instance, had enjoyed more offices, and got more of the Crown Lands, than any other family in the Province; there was Mr. Peter Russell, the relative of the hon. member who held, at one and the same time, the offices of Lieut. Governor, Judge of the Queen's Bench, Receiver General, and of Auditor General. It was this same Peter Russel, whose warrants used to run somewhat after this manner--"I, Peter Russel, President of Upper Canada, command you, Peter Russel, Receiver General of Upper Canada, to pay to Peter Russel, Auditor General of Upper Canada." &c. (Laughter.) This was in the good old times before the Family Compact came to this country. This same individual left all the fruits of his office to the hon. Attorney General West, or rather he had first left it to his sister, to whom the hon. gentleman was so attentive and kind that she left it to him after her death. The hon. commissioner of Crown Lands had told them a very pretty story: he said that in 1832 he had gone into the Bank of Upper Canada, and there had some conversation with a gentleman, who told him that 5,000 English emigrants might shortly be expected to arrive in the Province and that they would have 5,000 Rebels.<sup>128</sup> He would like to know who, or what he was, who had informed the hon. Commissioner of Crown Lands, he would ask the hon. member to name him?<sup>129</sup>



MR. COM. CR. LANDS PRICE.--He was a scion of the aristocracy.<sup>130</sup>

SIR A. MACNAB.--A scion of the aristocracy! No doubt he was<sup>131</sup>. And what did the hon. member reply? he said they were a set of scoundrels.<sup>132</sup> It was certainly wonderful that a scion of the aristocracy should tell the hon. Commissioner that 30,000 Englishmen were to be brought into Canada, and that the hon. gentleman should say that there were to be plenty of rebels there.<sup>133</sup>

MR. COM. CR. LANDS PRICE had not used the words spoken by the hon. member for Hamilton. His answer was, that as long as the like of him was in the country there would be no lack of scoundrels. (Hear, hear.)<sup>134</sup>

SIR A. MACNAB did not believe him when he said that person was a scion of the aristocracy, as he did not believe that a scion of the aristocracy of Upper Canada would have allowed him to use such words. (Hear, hear.) He would like very much to hear his name, however.<sup>135</sup>

MR. COM. CR. LANDS PRICE declined to give his name.<sup>136</sup>

SIR A. MACNAB would not like to say that either the hon. Commissioner of Crown Lands or the Solicitor General either, would justify rebellion; as it would be for them right if they did, considering the offices they held under the allegiance which was due to their Sovereign, but he would allow the statements which they had made to go to the country when they must speak for themselves. (Hear, hear.) He thought it was important that the money should be paid, but he would like to know for what it was paid.<sup>137</sup> They were in favour of passing the Rebellion losses for reasons which he could not pretend to give. An hon. Member said that the burning of the steamer Caroline was done for the very purpose of bringing about a war with the United States<sup>138</sup> and he could not help thinking that the charge, made in such a manner, was anything but creditable to those who had risked their lives on that particular occasion, in defence of their country and their Sovereign. Did the Solicitor General not know when he made that charge--(and who had come into the House with so many papers that he thought he would have spoken for a week instead of two days)--<sup>139</sup> did they not know that this steamer was hired for the express purpose of invading the country; that she had guns landed, and armed men to aid those engaged in rebellion against their Sovereign; and that her movements were watched by two British officers, who had sworn to the facts.<sup>140</sup> In the face of this, would he (Sir A.) whom the hon. member had compared to Sir John Falstaff, have been doing his duty to have allowed the Caroline to have landed these arms without paying any attention to the circumstances? He thought not; and because the Caroline was so engaged she was destroyed, and for thus serving his Sovereign he was now told by one of the Crown Officers under Lord Elgin that what he had done on that occasion was for the purpose of bringing on a war with the United States. (Hear, hear.) He never expected to have lived to be charged with such a design and to hear himself and the men who had so fearlessly, nobly, and loyally perilled their lives in destroying a vessel caught in the act of landing arms against their Sovereign, charged with doing so to bring on a war with another country. (Hear, hear.) Perhaps the next thing they might hear would be that a bill of indictment had been fyled against the gallant Colonel Wetherall for manslaughter. (Loud cries of "hear, hear.") Would it be just for the Government to call upon them to pay for such losses? He did not believe

the Government would call upon them, notwithstanding the most extraordinary course they had seen fit to take on the subject. Such a course would never have been adopted by the British House without a message from the Crown on the subject.<sup>141</sup>

MR. AT. GEN. BALDWIN--No message from the Governor could be introduced so long as the motion was being discussed.<sup>142</sup>

SIR A. MACNAB--Oh! he supposed the honourable gentleman had the message, cut and dried, in his pocket. Well, if he had, it was time to produce it; it ought to be produced before any steps were taken.<sup>143</sup> A message should have been before the House, before the discussion was entered upon. If a message was received signed by Lord Elgin, it could at once have been laid on the table, and a motion carried that the House go into committee on it, and discuss the subject of it immediately. Respecting the remarks of the Solicitor General West, that hon. gentleman had never spoken to the House yet without indulging in personalities on members on his (Sir Allan's) side of the house. That gentleman was but a young member, and would no doubt yet learn that such a system would never make him popular, neither was it the course to pursue in a popular Assembly.<sup>144</sup> The hon. member had spoken about the conduct of the hon. member for Essex upon a certain occasion and said, that if he had been in the House of Lords when his conduct was discussed there that he would have heard something that would have made his ears tingle.<sup>145</sup> Why did he not condescend to tell them the whole proceedings regarding the paper moved for by Lord Brougham. When Lord Brougham asked for these papers, it would be found that both Lord Edinborough and the Duke of Wellington had explained the circumstances,<sup>146</sup> and justified Col. Prince's conduct<sup>147</sup>, and Lord Brougham expressed himself satisfied. Had the hon. member done so, it would have explained the whole case, but it did not suit his purpose to do so. Hon. gentlemen opposite had also taken much credit to themselves for introducing the use of the French Language into the House, but he might be allowed to say that the credit was not due to them, but to a former government, who had presented a memorial on the subject<sup>148</sup>, and he (Sir A.) did not see any great advantage in it after all. When a message was sent down from the Legislative Council, down came the master in chancery with his cocked hat, and after delivering the message in English, he muttered something which he (Sir A.) did not understand, but he would ask the speaker if it was French, of course he could not get the Speaker to say no, but he was sure if he did he would say that it was not.<sup>149</sup> The Commissioner of Crown Lands had kind enough to assign, as a reason for his (Sir Allan's) return to Parliament twenty years ago, that he had been imprisoned by the Legislative Assembly. Regarding his commitment,<sup>150</sup> he did recollect that the House of Assembly did behave rather harshly.<sup>151</sup> He could not help thinking that circumstance was brought about by his political opponents who wished to damage his character, as he was then practising as a lawyer; but he had succeeded in getting himself out of the trouble, and his opponents had made nothing of the matter, for in 1828 he was returned to Parliament, and he had never been out of it since. It had been alleged that his influence was but small in Upper Canada, as he only represented a borough; but there must be something wrong in that opinion, for he believed that all the members of the House of Upper Canada at the time,<sup>152</sup> both Tories and Radicals, with the exception of Mr. Gibson, one of the leaders of the Rebellion, voted for



him as Speaker; this was the same Mr. Gibson who was obliged to fly to the United States, but who, since his return,<sup>153</sup> had been honoured by the gentlemen opposite by an appointment; in<sup>154</sup> that fat office at Owen Sound.<sup>155</sup> (Hear, hear.) Such an act would not be otherwise than looked upon as a high compliment to the city of Toronto, that gentleman having been engaged in casting fire in that city, and he was not certain if he was not present at the murder of Colonel Moody, and for those acts, Sir Allan supposed he had been appointed to office. (Hear, hear.) It had also been said that he (Sir Allan) would be prepared to serve the country in any way if he were paid for it. To such a remark he would make no reply, only that such a remark was mean and unfair.<sup>156</sup> If his loyalty was spurious Canadian loyalty, it was not the imported loyalty of gentlemen opposite, and of the Attorney General, Inspector General, and Commissioner of Crown Lands; all he knew was that the City of Toronto would have been burnt, the Governor been hanged if he had been caught, and perhaps himself and some other along with him.<sup>157</sup> (Laughter and hear, hear.)<sup>158</sup> But he and other loyal men, with their spurious Canadian loyalty,<sup>159</sup> had risked their lives, and<sup>160</sup> responded to the calls of their Sovereign, and<sup>161</sup> perhaps they had not done a great deal, but at any events they had driven Gibson away. The Commissioner of Crown Lands had charged him (Sir Allan) with calling him a rebel but he had never done so.<sup>162</sup> The hon. member then went on to say that if his party had not been in favour of the introduction of Responsible Government, that they had some authority for resisting the views of Mr. McKenzie, and read extracts from Despatches from Lord John Russell<sup>163</sup> against granting to the people of the colonies such a power, and instructing the colonial government accordingly, from which he argued that had they adopted any other course than the one they had pursued they would have at once placed themselves in a position of hostility to their sovereign.<sup>164</sup> He (Sir A.) believed that it was never intended that they should receive it, and that they would not have got it, but that Lord Sydenham had been out manoeuvred.<sup>165</sup> Sir Allan then went on to say that a change having now been made in the views entertained by the Home Government, it was only his duty to bow to it. Although the little he had seen of it from the acts of the opposition were not of the most pleasant description, for in a house of 94 members they had no less than ten ministers. He was not disposed to say that their principle was wrong, but he thought if it were carried forward in the same manner in which they had begun, then it would soon work itself out. (Hear.) He might perhaps be told that Lord Elgin had only to mention what the ministry did, as they had made as many lords for the Legislative Council as would enable them to carry any measure which they wished to pass. Such a step Sir Allan thought had only been adopted once in England, and that was at the passing of the Reform Bill and he believed that so opposed to such a course were some of the Lords that they withdrew from the House altogether. The present ministry had created no less than thirteen Lords for the purpose of giving them a majority in the Executive Council and then of course the Governor must just do as he is bid. --The ministry would now say you must do this or that, and if you don't we will resign. It was not an easy matter to resign. The hon. gentleman opposite tried it once and they had some trouble to get back again (laughter.) They had now however got possession of King, Lords and Commons, and the result would show itself. The Solicitor General, who had never been in an election fight had been taken from the ranks and made a General of, and he now talked with all the wis-

dom of a man with experience. He (Sir Allan) had said before and he would now say again that if there were any just losses--losses sustained by men who had suffered unjustly, or where churches were destroyed, he would not object to pay in cases of that kind, although he thought it the duty of the British Government, in whose defence and by whose command they were destroyed to make good such losses. Would he be made to pay the losses of those who had brought the destruction upon themselves, by the ministry paying it out of the consolidated fund. In Upper Canada it had been paid out of tavern licenses.<sup>166</sup> Was it to be expected that the people of Upper Canada, where there was not a single soldier, should pay the losses occasioned by them? If they had paid their own losses, was it just, right or reasonable, to call upon them to pay the losses of the people of Upper Canada?<sup>167</sup> He must say that he would not pay it if he could get out of it, neither did he think that the people of Upper Canada would submit to do it.<sup>168</sup> He did not think the country had been well treated--<sup>169</sup> There was something cruel and wrong in forcing men to pay money after they had extended their lives in defence of Her Majesty (sic) rights and defended the lives and property of her subjects. Was it just that they had been commanded by the Government to destroy, and when to refuse would have been certain punishment, that now they should be compelled to pay. It was an act of injustice to ask them to do so, and he did not believe the people would submit to it.<sup>170</sup> There was no man who more respected those in Lower Canada who, in the hour of danger, boldly came forward, at the risk of their lives, to defend Her Majesty's rights, than he did, and he could not but feel there was something mean that those men should now be called upon by the Government to pay for that property which had been destroyed by its order.<sup>171</sup>

MR. PRES. EX. COUN. MERRITT said, he rose for the purpose of calling the attention of the House, to the question under consideration, which was the payment of the losses sustained in Lower Canada, and to assign the reasons which had induced the present Government to carry into effect the Address of the late Legislative Assembly, and the recommendation of the late Government.<sup>172</sup> After all that had been said he found that the only objections to the measure were,<sup>173</sup> First,--The mode of payment, and secondly, the class of persons who are entitled to compensation. With respect to the mode of payment, apart from any other consideration, if the inhabitants of Upper Canada had paid the losses fairly, honestly and openly out of the District funds, and the losses in Lower Canada were to be paid out of the Provincial Funds, it would be a manifest injustice to Upper Canada which could not be tolerated and would never have been advocated by a single member of the present Administration. But, Sir,<sup>174</sup> it was not true, and he was prepared to show that it was not, and to do so it would be necessary to go back to before the Union, and examine the revenue derived from Upper and Lower Canada, and the division of that revenue, and the application of it since the Union.<sup>175</sup> It will be found on examination, that a far greater proportion of the revenue has been and is still taken from Lower Canada than Upper Canada. To prove this fact, we must go back and examine the state of the revenues of both Provinces before the Union, at the Union, and since the Union. From the public accounts, it appears that the amount received before the Union, was: in 1838, in Upper Canada, £67,418; in Lower Canada, £113,568; in 1839, £93,832, and £157,409; shewing a balance, in favor of Lower Canada, of £63,577; in 1840, the returns were respectively,<sup>176</sup> £90,711<sup>177</sup> and £173,564;<sup>178</sup> showing a difference in favor of Lower Canada



of £107,599.<sup>179</sup>

MR. CAYLEY said there was some mistake, that the figures only showed a difference of £83,000.<sup>180</sup>

MR. PRES. EX. COUN. MERRITT made some explanation which we could not catch.<sup>181</sup> We may now, as we did then, say, that this division was unjust to Upper Canada, inasmuch as our imports exceeded theirs at the same time, we cannot deny that disinterested arbitrators thought differently. The hon. Ward Chipman, from New Brunswick, was called in as an umpire between the parties, and assuming population for the basis, assigned one third of the import duties, to Upper, and two thirds to Lower Canada. We now come to the Union; the Hon. Member from Hamilton says the Union was established to<sup>182</sup> swamp the French Canadians<sup>183</sup>; that was not so;<sup>184</sup> at that time<sup>185</sup> parties were much divided about that measure in Upper Canada, but he was always in favour of it<sup>186</sup> and had desired it for years, and the reason he and others desired it was this. They<sup>187</sup> considered it indispensable for the mutual advantage of both Provinces. This opinion was founded on the relative prosperity of two countries lying side by side. The one under one Government and one power, controlled the entire country from the navigable waters of the Hudson, to the navigable waters of Lake Erie, which were then connected by canals, which had increased their trade, their wealth, and general prosperity. The other under two Governments, had neglected to improve or connect their navigable communications, and with all the natural advantages they possessed, trade had dwindled, and the prosperity of the country remained the very opposite of what was so strikingly visible in the adjoining country. Under these circumstances, it is not surprising that the Legislature of Upper Canada should have been desirous to obtain the Union. Many felt that the terms were unjust to Lower Canada, and voted for the measure, because better terms could not be obtained at the time, and with a hope that an ample equivalent would hereafter be realized by Lower Canada in the general prosperity she would attain.<sup>188</sup> Upper Canada did not propose anything, but only sanctioned the proposal of Lord Sydenham.<sup>189</sup> When the Union was consummated, as Upper Canada could only give one third of her revenue to the consolidated revenue, while Lower Canada gave two thirds, it was proposed to do Lower Canada justice, that the expences (sic) of the administration of justice which in Upper Canada was paid out of the District Funds, should in Lower Canada be paid out of the consolidated revenue.<sup>190</sup> They were also compelled to assume a share of the public debt of Upper Canada, amounting to £1,179,949. While members from Upper Canada maintain, that the debt, was incurred in the construction of public improvements, equally beneficial to Lower Canada, members from Lower Canada maintain the reverse. Both are in error respecting this debt; whatever amount was expended in Canals, Harbors, and that class of public works which promote trade and yield a revenue will, no doubt, hereafter prove equally beneficial to Lower Canada; but she has no interest in the expenditure on local works not productive. From a careful examination of this expenditure, it may be thus classed:

No. 1.--Provincial Works, including Welland, St. Lawrence and Burlington Bay Canals, .....£658,504 0 0

No. 2.--Light Houses, Harbors, on which there had been expended £... now valued at .....£ 73,638 0 0

No. 3.--Roads and Bridges which cost £254,187, valued at.....£197,807 0 0

£929,949 0 0

Leaving a loss of .....£250,000 0 0

To make up the debt of .....1,179,946 (sic) 0 0<sup>191</sup>  
 which Lower Canada could not be called to pay any portion of.<sup>192</sup> The next point is to ascertain how this revenue has been disposed of since the Union. I have not yet a correct statement prepared to shew the precise amount expended in either Province, but feel convinced a large balance will be found in favour of Upper Canada.<sup>193</sup> At the union, the tavern licenses formed part of the consolidated fund, and belonged to it as much as the import duties. But<sup>194</sup> this fund is taken out of the general revenue and placed at the disposal of the Municipal Councils<sup>195</sup> in Upper Canada<sup>196</sup> for local objects<sup>197</sup> because Upper Canada contributed more to it than Lower Canada.<sup>198</sup> The losses in Upper Canada being first paid out of this branch of the general revenue, the effect of which is to relieve Upper Canada of two thirds of the tax paid into the general revenue, at the same time that she says (sic) only two-fifths of the losses. The amount in Upper Canada being £40,000, and in Lower Canada £100,000. If the losses ought to be paid out of the general revenue of the country, Lower Canada is justly entitled to her proportion as well as Upper Canada. You have no other means than the Consolidated Fund, or direct taxation; no subterfuge can change or evade this position, the truth of which has been fully demonstrated. This fund contributed to the payment of the interest of the public debt, of which Lower Canada pays her proportion; it was therefore unjust to diminish that fund until the debt was first paid off.-- Another financial error and wrong was done to Lower Canada in the case of the excise on whiskey.<sup>199</sup> It was not the present Government who paid those claims, but the late Government, who<sup>200</sup>, in order to relieve Upper Canada from this expenditure, of paying a part of the administration of Justice, from her District assessments ... determined ... to pay out of the consolidated revenue.<sup>201</sup> Then another manoeuvre was performed: by the Union Act the administration of justice was paid out of the consolidated fund, and administration of justice of Canada was charged on the same fund, and, to make up the amount required, imposed a duty on whiskey, and introduced into Canada, for the first time, a system of excise. That duty on whiskey was, in fact, nothing else than a duty on coarse grains. Of this tax, Lower Canada had to pay the same proportion as Upper Canada, though the whole of the charge ought, by the compact, to fall on Upper Canada<sup>202</sup>, thus depriving her of any advantage whatever received by her previous to the Union, and evading the terms of the Union Act as effectually as in the case of the Tavern Licenses.<sup>203</sup> Since the Union, the import duties had been increased from  $2\frac{1}{2}$  per cent to above  $8\frac{1}{2}$  per cent, and this avowedly for the completion of public improvements; but had anything like the same proportion been expended in Lower Canada as in Upper Canada, in local improvements? No.<sup>204</sup> I have thus proved from official returns and documents--

1st. That prior to the Union, Lower Canada received one-third more revenue than Upper Canada.

2nd. That at that time of the Union, the only equivalent conceded to Lower Canada for this one-third was the payment of that part of the administration of Justice which had and continued to be paid in Upper Canada, out of the different districts.

3rd. That since the Union, Lower Canada has paid a proportion of the interest on the public debt of Upper Canada which had been created before the Union.



4th. That although the taxes on Imports, Excise, Banks, &c., were increased for the avowed object of constructing Public Improvements, Lower Canada has not received her proportion of this expenditure.

5th. That it was a breach of faith and a violation of the Union Act, to diminish the Consolidated Fund by transferring the Tavern Licenses for district purposes, before the Public Debt was first paid off; and,

6thly. That still greater injustice was done to Lower Canada by depriving her of the only equivalent she retained for her one-third of the revenue before the Union, by increasing the tax on whiskey or coarse grain, and thereby imposing an equal tax on her for the payment of the administration of Justice as in Upper Canada. If this statement be true, I hope we shall hear no more of injustice to Upper Canada, on the subject of the revenue.<sup>205</sup> And it was for that reason he was prepared to pay the Rebellion Losses for Lower Canada out of the Consolidated Fund.<sup>206</sup> The next point, or question to examine, is the class or description of persons who are entitled to indemnity. From the language of honourable gentlemen opposite, you would take it for granted the payment of those losses had originated with the present Administration. This is as foreign from the truth, as that the Upper Canadian losses were paid out of the District and not the Provincial funds. When the present Ministry were first in power, they refused to bring forward the payment of the war losses, on the ground that the Provincial revenue would not admit of it; but when the late Ministry came into power, they entertained different views, and passed a Bill for the payment of those losses in Upper Canada, against which I voted throughout, on the ground that we would be compelled to pay similar losses in Lower Canada, which I apprehended would amount to some three or four hundred thousand pounds; but I am glad to find they do not exceed one hundred thousand.--That Bill was passed, and an address to enquire into the amount of claims in Lower Canada also. Commissioners were appointed, and the class or description of claimants clearly designated in the instructions of the Provincial Secretary<sup>207</sup> that they should pay all who were not excluded by evidence furnished by the courts of law, as having been engaged in the Rebellion.<sup>208</sup> The same rule was adhered to here as in Upper Canada, and in my judgment it was wise and judicious. How were they to discriminate, and could we draw an odious and invidious distinction, at this late day, to create dissatisfaction? We trust all are now good and loyal subjects; it is our duty to keep them so, and not disturb the harmony which now happily prevails. From the results of my own personal experience, I feel it would be very difficult to draw those delicate distinctions between those called loyal and disloyal<sup>209</sup> at the time of the Rebellion<sup>210</sup>. Although I was among those who first established the outpost at Fort Erie, and had the charge of the civil arrangements on the frontier until the arrival of Sir Allan from Hamilton, I neither escaped censure nor suspicion. The Magistrates in the Niagara District did not send a single man to gaol, when it was reported upwards of 1500 had been arrested in the Home District. Those who had left home<sup>211</sup> and ... fled over to the other side of the lines were sent for and requested to come back, and instead of making them rebels they tried to make them subjects, and now there were not more loyal men in the country than there was in his District, and this showed the danger of discriminating.<sup>212</sup> His representations to the Governor prevented the useless calling out of the militia, and this brought on him the dislike of some officers who were receiving pay.<sup>213</sup> No armed force was raised after the evacuation of Navy Island; after all danger had passed away, the

militia continued to be harrassed, and every means resorted to keep up the excitement; the most absurd reports were circulated by those whose interest was to keep employed, and paid. In the next session a Bill was introduced, to compel every voter to make oath he did not belong to a Hunter's Lodge. On its first introduction, I moved to read it that day six months, denouncing the attempts made to keep up this feeling of hostility through the country, when I did not believe a single society existed. I carried my motion by a large majority. I was then informed by my hon. friend from Hamilton that information was lodged with the Governor, that I had attended one of those Hunter's Lodges. I very kindly procured a letter which had been written from an influential individual, in which I was alluded to. I called with the letter on the Governor, Sir George Arthur, to learn what for the representation had been made, and found, to my great surprise, that spies and informers had been employed, who had themselves entrapped and implicated, by the grossest perjury, some of the most loyal and best men in my District; although the letter referred to, had not the remotest connection with those mentioned, it had been so interpreted.<sup>214</sup> Or He took the letter to the Governor, and told him that there were spies about the country, doing more harm than the rebels<sup>215</sup>. A public investigation was moved for immediately, and His Excellency, the Right Hon. Poulett Thompson, by message, disclaimed the existence of any societies of the kind, and the matter was brought to an end.--but, had I not from circumstances, been placed in a public situation, where I had the power to institute an investigation, I should, with many others equally innocent, have been liable to the imputation of disloyalty. This circumstance, with repeated opportunities of discovering the motives which governed those who had little brief authority at the time, convinces my mind of the impossibility of discriminating at this late day.<sup>216</sup> As it was, there had never been anything more about rebellion or Hunter's Lodges in that part of the country. On this head, then, he wished to follow the course of the late Government. It was absolutely necessary, too, that this question should be disposed of, for it was clear no government could be usefully carried on, so long as the bitter feeling which had been manifested in that debate should continue to exist.<sup>217</sup> Mutual concessions must be made by the inhabitants of both parts of the country, if we are to realize any beneficial results from the Union; and I feel confident, Mr. Speaker, that when the administration has the opportunity to bring these financial measures under the consideration of the House, it will be found that a sound and ample resource has been provided to pay off the Provincial debt, in a reasonable time--a measure in which capitalist and the country will alike repose confidence.--After this debt is paid, then, and not until then, will the inhabitants of Lower Canada receive a full equivalent for their present increased duties.<sup>218</sup> He hoped hon. members from Canada West would bear this in mind; then there would be a continuance of peace which now reigned in the Province, and Lower Canada<sup>219</sup> will then realize the full advantages of the Union, to which they will be indebted for this additional revenue; in the meantime, it is but an act of partial justice to pay those losses, and, when correctly understood, it will receive the cordial approval of every person who desires the tranquillity and prosperity of the country.<sup>220</sup>

MR. WATTS complimented the hon. member for Huron on his eulogium of the hon. and gallant knight, whom he had been pleased to call his leader. He would allude to the statement of the hon. and gallant knight, who had said



the hon. member for Montreal should give away his pay. The hon. gentleman ... ((proceeded)) to say something of the pay the hon. and gallant knight had received<sup>221</sup>.

MR. MORIN the SPEAKER ordered the galleries to be cleared.<sup>222</sup>

(88)

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Price,

Ordered, That the Debate be further adjourned till Monday next, and be then the first Order of the day.

Words of Heat.

Mr. Speaker having informed the House, That, according to information he had received, a hostile meeting was intended between Mr. Solicitor General Blake and the Honorable Mr. Macdonald, two of the Members of this House, in consequence of some words of heat which had passed in the Debate of this day, but which had not been taken notice of at the time, and that he had ineffectually sent a message to Mr. Blake to come to the Chair; and Mr. Blake and Mr. Macdonald not being found in the House;

The Serjeant at Arms went with the Mace, by Order of the House, to the lodgings of Mr. Blake and Mr. Macdonald, to require their immediate attendance in their places.

The Honorable Mr. Macdonald took his place in the House.

The Serjeant at Arms reported that Mr. Blake could not be found.

The Honorable Mr. Macdonald submitted himself to the House, and declared that he would be in his place at the next sitting; and that in the meantime no collision would take place.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Badgley,

Ordered, That Mr. Speaker do issue his Warrant the Serjeant at Arms, or his Deputy, to take into his custody William Hume Blake, Esquire, and that he be brought to the House in custody.

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Mr. Laurin, seconded by Mr. Cauchon,

The House adjourned.

FOOTNOTES: 16 FEBRUARY 1849.

1. "No admissions to the gallery were allowed till twelve o'clock."  
MONTREAL GAZETTE, 19 February 1849.
2. The debate on this matter was reported by: MONTREAL GAZETTE, 19 February 1849; GLOBE, 21 February 1849, HAMILTON SPECTATOR, 21 February 1849, ST. CATHARINES JOURNAL, 22 February 1849, and BRITISH COLONIST, 20 February 1849, in identical accounts; PILOT, 19 February 1849, with a shorter account, and GLOBE, 24 February 1849, in identical accounts, parts of which are identical to GLOBE, 21 February 1849, HAMILTON SPECTATOR, 21 February 1849, ST. CATHARINES JOURNAL, 22 February 1849, and BRITISH COLONIST, 20 February 1849; and PRINCE EDWARD GAZETTE, 23 February 1849, noted the debate.
3. MONTREAL GAZETTE, 19 February 1849.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. PILOT, 19 February 1849.
9. MONTREAL GAZETTE, 19 February 1849.
10. PILOT, 19 February 1849.
11. MONTREAL GAZETTE, 19 February 1849.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. The debate on this matter was reported by: L'AVENIR, 24 February 1849; MONTREAL GAZETTE, 19 February 1849, and HAMILTON SPECTATOR, 28 February 1849, in identical accounts; PRINCE EDWARD GAZETTE, 23 February 1849, in a very abbreviated account; PILOT, 19 February 1849, GLOBE, 24, 28 February 1849, and PROVINCIALIST, 1 March 1849, in identical accounts, except that GLOBE, 24 February, omitted one speech, the account of GLOBE, 28 February, is abbreviated, and PROVINCIALIST omitted a number of speeches; PRINCE EDWARD GAZETTE, 23 February 1849, which acknowledged its source as MONTREAL TRANSCRIPT, and BRITISH WHIG, 19 February 1849, noted the debate while HAMILTON SPECTATOR, 21 February 1849, acknowledging MONTREAL GAZETTE as its source, gave a brief outline of the debate. A commentary may be found in STANSTEAD JOURNAL, 22 February 1849. The HAMILTON SPECTATOR will be reproduced instead of the identical but difficult to read MONTREAL GAZETTE.
20. PILOT, 19 February 1849.
21. IBID.
22. IBID.
23. IBID.
24. HAMILTON SPECTATOR, 28 February 1849.
25. PILOT, 19 February 1849.
26. IBID.
27. HAMILTON SPECTATOR, 28 February 1849.
28. IBID.
29. IBID.
30. IBID.



31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. PILOT, 19 February 1849.
37. IBID., 26 February 1849. The ellipsis represents an illegible word.
38. PILOT, 19 February 1849.
39. IBID., 26 February 1849.
40. IBID., 19 February 1849.
41. IBID., 26 February 1849.
42. IBID., 19 February 1849.
43. IBID., 26 February 1849.
44. IBID., 19 February 1849.
45. IBID., 26 February 1849.
46. IBID., 19 February 1849.
47. IBID., 26 February 1849.
48. IBID., 19 February 1849.
49. IBID.
50. IBID.
51. IBID., 26 February 1849.
52. IBID., 19 February 1849.
53. IBID., 26 February 1849.
54. IBID., 19 February 1849.
55. IBID., 26 February 1849.
56. IBID., 19 February 1849.
57. IBID., 26 February 1849.
58. IBID., 19 February 1849.
59. IBID., 26 February 1849.
60. IBID., 19 February 1849.
61. IBID., 26 February 1849.
62. IBID., 19 February 1849.
63. HAMILTON SPECTATOR, 28 February 1849.
64. PILOT, 19 February 1849.
65. HAMILTON SPECTATOR, 28 February 1849.
66. PILOT, 19 February 1849.
67. HAMILTON SPECTATOR, 28 February 1849.
68. PILOT, 19 February 1849.
69. HAMILTON SPECTATOR, 28 February 1849.
70. PILOT, 19 February 1849.
71. HAMILTON SPECTATOR, 28 February 1849.
72. PILOT, 19 February 1849.
73. HAMILTON SPECTATOR, 28 February 1849.
74. PILOT, 19 February 1849.
75. HAMILTON SPECTATOR, 28 February 1849.
76. PILOT, 19 February 1849.
77. HAMILTON SPECTATOR, 28 February 1849.
78. PILOT, 19 February 1849.
79. HAMILTON SPECTATOR, 28 February 1849.
80. PILOT, 19 February 1849.
81. HAMILTON SPECTATOR, 28 February 1849.
82. PILOT, 19 February 1849.
83. HAMILTON SPECTATOR, 28 February 1849.

84. PILOT, 19 February 1849.
85. HAMILTON SPECTATOR, 28 February 1849.
86. PILOT, 19 February 1849.
87. HAMILTON SPECTATOR, 28 February 1849.
88. PILOT, 19 February 1849.
89. HAMILTON SPECTATOR, 28 February 1849.
90. PILOT, 19 February 1849.
91. HAMILTON SPECTATOR, 28 February 1849.
92. PILOT, 19 February 1849.
93. HAMILTON SPECTATOR, 28 February 1849.
94. PILOT, 19 February 1849.
95. HAMILTON SPECTATOR, 28 February 1849.
96. PILOT, 19 February 1849.
97. HAMILTON SPECTATOR, 28 February 1849.
98. IBID.
99. PILOT, 19 February 1849.
100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. HAMILTON SPECTATOR, 28 February 1849.
106. IBID.
107. PILOT, 19 February 1849.
108. HAMILTON SPECTATOR, 28 February 1849.
109. IBID.
110. PILOT, 19 February 1849.
111. IBID.
112. HAMILTON SPECTATOR, 28 February 1849.
113. PILOT, 19 February 1849.
114. IBID.
115. IBID.
116. HAMILTON SPECTATOR, 28 February 1849.
117. PILOT, 19 February 1849.
118. HAMILTON SPECTATOR, 28 February 1849.
119. PILOT, 19 February 1849.
120. IBID.
121. IBID.
122. HAMILTON SPECTATOR, 28 February 1849.
123. PILOT, 19 February 1849.
124. HAMILTON SPECTATOR, 28 February 1849.
125. PILOT, 19 February 1849.
126. HAMILTON SPECTATOR, 28 February 1849.
127. PILOT, 19 February 1849.
128. HAMILTON SPECTATOR, 28 February 1849.
129. PILOT, 19 February 1849.
130. HAMILTON SPECTATOR, 28 February 1849.
131. PILOT, 19 February 1849.
132. HAMILTON SPECTATOR, 28 February 1849.
133. PILOT, 19 February 1849.
134. IBID.
135. HAMILTON SPECTATOR, 28 February 1849.



136. PILOT, 19 February 1849.
137. IBID.
138. HAMILTON SPECTATOR, 28 February 1849.
139. PILOT, 19 February 1849.
140. HAMILTON SPECTATOR, 28 February 1849.
141. PILOT, 19 February 1849.
142. IBID.
143. HAMILTON SPECTATOR, 28 February 1849.
144. PILOT, 19 February 1849.
145. HAMILTON SPECTATOR, 28 February 1849.
146. PILOT, 19 February 1849.
147. HAMILTON SPECTATOR, 28 February 1849.
148. PILOT, 19 February 1849.
149. HAMILTON SPECTATOR, 28 February 1849.
150. PILOT, 19 February 1849.
151. HAMILTON SPECTATOR, 28 February 1849.
152. PILOT, 19 February 1849.
153. HAMILTON SPECTATOR, 28 February 1849.
154. PILOT, 19 February 1849.
155. HAMILTON SPECTATOR, 28 February 1849.
156. PILOT, 19 February 1849.
157. HAMILTON SPECTATOR, 28 February 1849.
158. PILOT, 19 February 1849.
159. HAMILTON SPECTATOR, 28 February 1849.
160. PILOT, 19 February 1849.
161. HAMILTON SPECTATOR, 28 February 1849.
162. PILOT, 19 February 1849.
163. HAMILTON SPECTATOR, 28 February 1849.
164. PILOT, 19 February 1849.
165. HAMILTON SPECTATOR, 28 February 1849.
166. PILOT, 19 February 1849.
167. HAMILTON SPECTATOR, 28 February 1849.
168. PILOT, 19 February 1849.
169. HAMILTON SPECTATOR, 28 February 1849.
170. PILOT, 19 February 1849.
171. HAMILTON SPECTATOR, 28 February 1849.
172. PILOT, 26 February 1849.
173. HAMILTON SPECTATOR, 28 February 1849.
174. PILOT, 26 February 1849.
175. HAMILTON SPECTATOR, 28 February 1849.
176. PILOT, 26 February 1849.
177. HAMILTON SPECTATOR, 28 February 1849. In PILOT, 26 February 1849,  
this is given as £91,711.
178. PILOT, 26 February 1849.
179. HAMILTON SPECTATOR, 28 February 1849.
180. IBID.
181. In PILOT, 26 February 1849, changes have been made in the figures  
Merritt quoted, in order to make sense of the rest of the phrase the  
lower figure is used. Merritt had obviously erred in his calculations,  
because in the revised edition Cayley's corrected figure is given instead.
182. PILOT, 26 February 1849.
183. HAMILTON SPECTATOR, 28 February 1849.

184. GLOBE, 28 February 1849.
185. PILOT, 26 February 1849.
186. HAMILTON SPECTATOR, 28 February 1849.
187. GLOBE, 28 February 1849.
188. PILOT, 26 February 1849.
189. GLOBE, 28 February 1849.
190. HAMILTON SPECTATOR, 28 February 1849.
191. PILOT, 26 February 1849. The ellipsis represents an illegible word.
192. HAMILTON SPECTATOR, 28 February 1849.
193. PILOT, 26 February 1849.
194. HAMILTON SPECTATOR, 28 February 1849.
195. PILOT, 26 February 1849.
196. HAMILTON SPECTATOR, 28 February 1849.
197. PILOT, 26 February 1849.
198. HAMILTON SPECTATOR, 28 February 1849.
199. PILOT, 26 February 1849.
200. HAMILTON SPECTATOR, 28 February 1849.
201. PILOT, 26 February 1849.
202. HAMILTON SPECTATOR, 28 February 1849.
203. PILOT, 26 February 1849.
204. HAMILTON SPECTATOR, 28 February 1849.
205. PILOT, 26 February 1849.
206. HAMILTON SPECTATOR, 28 February 1849.
207. PILOT, 26 February 1849.
208. HAMILTON SPECTATOR, 28 February 1849.
209. PILOT, 26 February 1849.
210. HAMILTON SPECTATOR, 28 February 1849.
211. PILOT, 26 February 1849.
212. HAMILTON SPECTATOR, 28 February 1849.
213. GLOBE, 28 February 1849.
214. PILOT, 26 February 1849.
215. GLOBE, 28 February 1849.
216. PILOT, 26 February 1849.
217. GLOBE, 28 February 1849.
218. PILOT, 26 February 1849.
219. GLOBE, 28 February 1849.
220. PILOT, 26 February 1849.
221. HAMILTON SPECTATOR, 28 February 1849.
222. IBID.



MONDAY, 19 FEBRUARY 1849.

(88)

Words of Heat.

THE Serjeant at Arms reported, That in obedience to the Warrant of Mr. Speaker, of Friday last, he had taken into his custody William Hume Blake, Esquire, a Member of the House, and that he was now awaiting the pleasure of the House.

Mr. Blake appearing at the bar of the House, explained as to his not coming to the Chair on Friday last.

And Mr. Blake and the Honorable Mr. Macdonald respectively having declared that they submitted themselves to the House, and that nothing further would ensue in consequence of anything which had happened;

On motion of the Honorable Mr. Attorney General Baldwin, seconded by Sir Allan N. MacNab,

Resolved, That the explanation of William Hume Blake, Esquire, for his apparent neglect to attend the call of Mr. Speaker, on Friday last, being satisfactory, he be discharged from the custody of the Serjeant at Arms.

British American  
Fire and Life  
Assurance  
Company.

Mr. Speaker laid before the House, Return of the British American Fire and Life Assurance Company, received in conformity to an Order of this House, of the 25th ultimo.

Appendix (P.)

For the said Return, see Appendix (P.)

Toronto General Hospital.

And also, Statement of the Receipts and Expenses of the Toronto General Hospital, for 1848, pursuant to the Act 10 & 11 Vic. c. 57.

Appendix (M. M.)

For the said Statement, see Appendix (M. M.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Smith, of Frontenac,--The Petition of George Webster, one of the Messengers of the House.

By the Honorable Mr. Boulton,--The Petition of James Graham and others, of the County of Norfolk.

By Mr. Macdonald, of Glengarry,--The Petition of the Reverend Denis Begley and others, the Catholic Clergyman and Laity of the Parish of Alexandria.

By Mr. Holmes,--The Petition of George D. Watson, on behalf of the Board of Management of the Merchants' Exchange and Reading Room Association; and the Petition of the St. Michel Road Company.

By Mr. Meyers,--The Petition of John Thomas and others, of the Village and vicinity of Colborne; the Petition of John M. Grover and others, of the Village and vicinity of Colborne; the Petition of Samuel S. Cole, of the

(89)

Village of Colborne, in the District of Newcastle; and the Petition of the Municipal Council of the District of Newcastle (Assessments.)

By Mr. Brooks,--The Petition of the Council of the Municipality of Sherbrooke.

By Mr. M'Connell,--The Petition of Ichabod Smith and others, Trustees

of the Stanstead Seminary; and the Petition of Auldin Plumly, of the Township of Hatley.

By Mr. Polette,--The Petition of P. Vezina, Esquire, and others, Delegates from the various Townships in the District of Three Rivers, and others of the Town of Three Rivers.

By Mr. Fortier,--The Petition of G. Chaillier and others, of the Parish of St. Pierre les Becquets, County of Nicolet.

By Mr. Chauveau,--The Petition of the Municipal Council of the County Quebec (Municipal Council Act); the Petition of Joseph Bedard, Esquire, and others, Censitaires of the County of Quebec; and the Petition of Joseph Bedard, Esquire, and others, of the County of Quebec.

By Mr. Lemieux,--The Petition of the Reverend J. D. Déziel and others, of the Parish of Point Levy, County of Dorchester.

By Mr. Johnson,--The Petition of the Municipal Council of the District of Ottawa.

By Mr. Solicitor General Drummond,--The Petition of P. B. Dumoulin, Esquire, of Three Rivers.

By Mr. Notman,--The Petition of Franklin Chadsey and others, of the Township of Dorchester; and the Petition of the Municipal Council of the District of London (Usury Laws).

By Mr. Lyon,--The Petition of George B. Rae and others, of the Township of Clarence; the Petition of William R. R. Lyon, of Richmond, District of Dalhousie, Merchant; the Petition of James Malvagh and others, of Nepean, County of Carleton; and the Petition of James Breakridge and others, of the Townships of Russell and Cumberland.

By the Honorable Mr. Merritt,--The Petition of the President, Directors, and Stockholders of the Grimsby Harbour Company.

By Mr. Sauvageau,--The Petition of the Reverend C. L. Vinet and others, of the Parish of St. Constant.

By Mr. Cauchon,--The Petition of Etienne Simard and others, of the Parish of Château Richer, County of Montmorency.

#### Petitions read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of Hamnett Pinhey, Esquire, Warden, on behalf of the Municipal Council of the District of Dalhousie; praying that the privilege of erecting a Toll Bridge over the River Rideau between Neapean and Gloucester, may not be granted to Bradish Billings, Esquire.

Of the British American Land Company; praying that certain additional powers be granted to them.

Of Pierre Ignace Déry and others, of the Parish of St. Raymond, and of the County of Portneuf; praying for certain changes in the Seigniorial Tenure.

Of Thomas A. Young, of the City of Quebec, Esquire, praying payment of a certain amount due him for four years' salary as Auditor General of Public Accounts for Lower Canada.

Of George Poapst and others, of the ninth Concession of Cornwall; praying that a certain survey in the said Township made by John S. Bruce, Esquire, be confirmed.

Of Joseph Boivint and others, of Quebec; representing that they are of the number of those whose houses were destroyed by the Fires of 1845, and that they have not been able to avail themselves of the relief afforded by the Denbentures issued for that purpose; and praying for aid.



*Cf* Messieurs Allan Gilmour and Company, and others, of the City of Quebec; praying that the Act 11 Vic. c. 1 may be amended, by reducing the tax on head-money imposed upon Emigrants.

*Cf* Ephraim Knight, Esquire, and others, of the County of Mississquoi, Members of the Order of Rechabites; praying for an Act of Incorporation.

*Of* Joseph Charland and others, Councillors of the Village of Christieville, County of Rouville; praying for certain amendments to the Municipal Council Act.

*Of* the Trustees of the Longueuil and Chambly Turnpike Road; praying for an exclusive right of Ferry to a limited extent over the River St. Lawrence, and that they be authorized to borrow a certain sum to build a Steamboat for that purpose.

*Of* Jean Langevin, of the City of Montreal, Esquire; praying payment of a certain amount due him by the late Municipal Council of the District of Quebec.

*Cf* the Reverend Charles Bancroft and others, of the Municipality of St. John Dorchester, County of Chambly; praying for certain amendments to the Common School Law.

*Of* the St. Lawrence and Atlantic Railroad Company; praying for public provincial aid upon such terms and conditions as the House may deem fit.

*Of* E. Glackmeyer, Esquire, and others, of the City and District of Montreal; and of Thomas Tait, Esquire, and others, of the District of St. Francis; praying aid in behalf of the St. Lawrence and Atlantic Railroad Company.

*Of* the President and Directors of the New City Gas Company of Montreal; praying for an increase of their Capital Stock, for further powers, and for certain amendments to their Act of Incorporation.

*Of* the Municipal Council of the District of Simcoe; and of Abner Hurd and others, of the Township of Roach; praying that no division may be made of the Home District, as prayed for.

*Of* the Municipal Council of the Home District; praying for certain alterations in the appointment and income, or salaries, of certain District Officers, and for certain amendments to the Township Officers and Municipal Council Act.

*Of* Issac Travis and others, of the Townships of East and North Guilimbury; and of Alexander Hossack and others, of the Township of West Zorra; praying for the adoption of measures to obtain the repeal of the Imperial Act relating to the Clergy Reserves; and for the abolition of the Rectories; and the funds arising therefrom may be devoted to purposes of general utility.

*Of* James Platt, Esquire, Mayor, and others, of the City of Oswego, in the State of New York, and others; praying for the passing of an Act to incorporate certain persons for the construction of a Railroad from Toronto to Lake Huron, as petitioned for.

*Of* Mrs. E. M. Aylwin and others Ladies composing the Committee of the Lower Town Infant School of Quebec; praying for aid in behalf of the said school.

*Of* the Right Reverend the Lord Bishop of Montreal, and others, of the City of Quebec; praying for the adoption of measures to render the Common Gaol of the District of Quebec more adequate to the object for which it is intended.

*Of* Matthew Scott and others, of the Township of Norwich, District of

Brock; praying that no division of the said District, as petitioned for, be granted.

Of Thomas Atkinson, senior, and others, of the Township of Nelson, District of Gore; praying that no alteration be made in the limits of the said District.

Of Thomas Kains, Esquire, and others, of the County of Two Mountains; praying that the seat of Judicature for the said County may be restored to St. Andrews.

Of Henry Smith, Esquire, and others, of Grimsby and other Townships; praying for the passing of an Act to authorize the formation of a Plank or Macadamized Road from the City of Hamilton, by a certain route, to

(90)

Waterloo Ferry, in the District of Niagara.

Of James Jamison and others, of the District of Victoria; praying for the passing of an Act to prevent all persons from withholding the natural stream of the River Moir, and its tributaries, more than four hours in each day, without the consent of parties owning Mills below them upon such stream.

Of William Workman, Esquire, and others, of the City of Montreal; praying that the Revenue of the Province may be raised chiefly by Duties on Imports, so as afford the greatest amount of incidental protection to home industry.

Of Michel Hamel, junior, and others, of the Parish of Ste. Foye; praying that the Coves depending from the said Parish may not be included within the limits of the City of Quebec.

Of Francis M. Hill, Esquire, Mayor, and others, Citizens of Kingston; praying that no appropriation be made out of the Consolidated Revenue Fund for the payment of the Rebellion Claims of Lower Canada.

Of the Reverend M. Lalor and others; praying that suitable provision be made for the College of Regiopolis.

Of J. Bedard and others, of the Town of Bytown; praying for certain amendments to the Act incorporating the said Town.

Of Thomas Corcoran; complaining that he has been deprived of a licence to cut timber on the limits, and refused a new licence, by which he has suffered loss and damage, and praying an enquiry into the matter, and that he may be indemnified, if found worthy upon such enquiry.

Of the Reverend Jasper H. Nicholls, on behalf of the Council of Bishop's College at Lennoxville; praying aid for the said College.

Of G. B. Hall and others, of the Town of Peterborough; praying for the passing of an Act to incorporate the said Town.

Of the Reverend Louis Théodore Bernard and others, of the Parish of Beauport, County of Quebec; praying that no tavern or other licence for the sale of spirituous liquors be granted for the said Parish.

Of John W. Shackleton and others, of the Western District; praying for aid to improve the road leading north-westerly from the Rondeau Harbour.

Of the Reverend Michael Brennan and others, the Roman Catholic Clergyman and Laity of the Town of Belleville; praying that suitable provision be made for the College of Regiopolis.

Of Henry Morgan and others, of Binbrook and Saltfleet; praying for the passing of an Act to authorize the formation of a Plank or Macadamized Road from the City of Hamilton, by a certain route, to Waterloo Ferry, in



the District of Niagara.

Of the Corporation of the Montreal General Hospital; praying for an increased aid.

Of John G. Mackenzie, Esquire, President of the City Bank; praying the House to authorize a reduction of the value of the shares of the said Bank, and for an extension of the time granted for the increase of its Capital Stock.

Of John S. M'Cord, Esquire, and others, members of the Montreal Horticultural Society; praying for an Act of Incorporation.

Of Hollis Smith and others, of the Town and vicinity of Sherbrooke; praying for the repeal of certain Acts in so far as they interfere with the efficient working of the Act 10 and 11 Vic. c. 7 for the establishment of Local and Municipal authorities in Lower Canada, and for the enactment of a general Road Law.

Of the Corporation of Bishop's College at Lernoxville; praying that the privilege of granting Degrees as well in Divinity as in the Arts and Faculties, be conferred upon the said College.

Of George S. Tiffany, Esquire, and others, of the City of Hamilton; praying aid for the construction of a line of Railway from Quebec to Windsor, at the western limit of the Province.

Of Thomas Lottridge and others, of the City of Hamilton, and the adjacent Townships; praying for the passing of an Act to preserve the Fish within the waters of Burlington Bay, by imposing an increased penalty, and giving further powers to the Justices of the Peace.

Of Messieurs Greene and Sons and others, Furriers and Hatters; praying for a reciprocal rate of Duties with the United States on all imports of manufactured furs and hats the production of said States and imported from thence, or that a Duty be imposed at the same rate as is now levied by said States.

Of His Grace the Archbishop of Quebec, and the Roman Catholic Bishops of Lower Canada; praying to be incorporated in their respective Dioceses, in the same manner as were the Bishops of Kingston and Toronto by the Act 8 Vic. c. 82.

Of H. J. Noad, Esquire, and others, the Directors of the Quebec Forwarding Company; praying for an Act of Incorporation.

Of Alphonso Wells, Esquire; praying to be allowed to prove his claim for services performed by him as Commissioner on the part of Canada to determine the Boundary Line between Canada and New Brunswick, and for payment of the said claim.

Of Mrs. Angélique Hodgins, of the Parish of Berthier, District of Montreal, widow of the late Antoine Gazaille dit St. Germain praying indemnification for loss sustained by her during the Troubles of 1837.

Of William Evans, of Côte St. Paul, Parish of Montreal; praying compensation for his services in the promotion of agricultural improvements in Canada, and for loss incurred thereby.

Of the President, Directors, and Stockholders of the Streetsville Plank Road Company; praying for an extension of their Charter.

MR. FLINT<sup>1</sup> presented a petition from the Victoria District, against the passage of Mr. LaFontaine's resolutions for the payment of the Rebellion Claims.<sup>2</sup>

(90)

Gallery of the House.

*Sir Allan N. MacNab moved, seconded by Mr. Prince, and the Question being proposed, That the Doorkeeper be directed to allow free access to the Galleries of this House to all persons desirous of entering the same.*

SIR A. MACNAB, COL. PRINCE, COL. GUGY, and several other Members spoke against the present system, and in favor of throwing the galleries open to all persons after 4, P. M.<sup>3</sup>

MR. AT. GEN. BALDWIN, MR. BOULTON, and MR. INSP. GEN. HINCKS were against changing the present system.<sup>4</sup>

COL. GUGY alluded to "a fellow named McNamee" as being the person who had commenced the row on Thursday evening.<sup>5</sup>

MR. INSP. GEN. HINCKS immediately rose, and rebuked the Colonel for the impertinent manner in which he alluded to Mr. McNamee, and declared that it could be proved, if necessary, by several respectable witnesses that the person who commenced the disturbance was a friend and prominent supporter of the honorable gentlemen opposite. He would not name him, or call him a "fellow", because he thought that it was exceedingly cowardly and improper for members of that House to take advantage of their position and insult individuals below the bar, who had no opportunity of defending themselves.<sup>6</sup>

COL. PRINCE.--rose ... to know if the Inspector-General meant to apply the word "cowardly" to him.<sup>7</sup>

MR. INSP. GEN. HINCKS had not applied it personally to the honorable member, but if he thought it would apply to his conduct, he was at liberty to make the application.<sup>8</sup>

COL. PRINCE said he was satisfied.<sup>9</sup>

In the same discussion COL. GUGY ... ((complained about)) the suppression of his speeches by some of the city journals, and by this especially; and complained of the great inconvenience to which he was subjected thereby.<sup>10</sup>

(90)

*The Honorable Mr. Cameron, of Kent, moved in amendment to the Question, seconded by Mr. Cauchon, That all the words after "That" to the end of the Question, be left out, and the words "the Order of Mr. Speaker, that admission to the Gallery should only be by Ticket, (of which a certain number are furnished by Members,) should be maintained," added instead thereof.*

*Sir Allan N. MacNab moved in amendment to the said proposed Amendment, seconded by Mr. Smith, of Frontenac, That the words "till after seven o'clock, when the public will be admitted to as many seats as may be vacant" be added at the end thereof.*

*And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Egan, Flint, Gugy, Hall, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Smith of FRONTENAC, Stevenson, and Wilson.--(22.)*

## NAYS.

Messieurs Armstrong, Attorney, General Baldwin, Bell, Solicitor General Blake, Eculton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cantier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Fortier, Fournier, Guillet, Hincks, Holmes, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, Marquis, M'Farland, Merritt, Méthot, Morrison, Notman, Papineau, Polette, Price, Richards, Scott of BYTOWN, Scott of

(91)

TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wetenhall.--(48.)

So it passed in the Negative.

And the Question being put on the Amendment to the Original Question; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put; the House divided:--And it was resolved in the Affirmative.

Resolved, That the Order of Mr. Speaker, that admission of the Gallery should only be by Ticket, (of which a certain number are furnished to Members,) should be maintained.

Petition of H. P. Croft and others;

Resolved, That the Petition of Henry P. Croft and others, of the Parish of St. Louis de Kamouraska, be referred to a Select Committee composed of Mr. Taché, Mr. Marquis, Mr. Polette, Mr. Fournier, and Mr. Méthot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of B. Workman and others;

Resolved, That the Petition of Benjamin Workman, Esquire, and others, of the City of Montreal and its vicinity, be referred to a Select Committee composed of Mr. Holmes, Mr. Nelson, Mr. Notman, Mr. Solicitor General Drummond, the Honorable Mr. Badgley, Mr. Richards, and Mr. Solicitor General Blake, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of H. Smith and others;

Resolved, That the Petition of Henry Smith, Esquire, and others, of Grimsby and other Townships, be referred to a Select Committee composed of Mr. M'Farland, Mr. Smith, of Wentworth, Mr. Thompson, Mr. Wetenhall, and Sir Allan N. MacNab, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Of H. Morgan and others;

Ordered, That the Petition of Henry Morgan and others, of Binbrook and Saltfleet, be referred to the said Committee.

Of LeMesurier, Tilstone and Company;

Resolved, That the Petition of Messieurs LeMesurier, Tilstone and Company, and others, Merchants, others, of the City of Quebec, be referred to a Select Committee composed of Mr. Chabot, Mr. Holmes, Mr. Christie, Mr. Taché, and Mr. Méthot, to examine the contents



thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of J. Clark;                      Resolved, That the two Petitions of John Clark, Esquire, on behalf of the Niagara District Agricultural Society, be referred to a Select Committee composed of Mr. M'Farland, the Honorable Mr. Merritt, Mr. Watts, Mr. Wetenhall, and Mr. Thompson, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of the Revd. J. Macdonald and others;                      Resolved, That the Petition of the Very Reverend John Macdonald, Vicar General of the Diocese of Kingston, and others, of Clergy, Magistrates, and others of the Eastern District, be referred to a Select Committee composed of Mr. Macdonald, of Glengarry, Sir Allan N. MacNab, the Honorable Mr. Macdonald, Mr. Richards, and Mr. Hall, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of R. E. Burns;  
Of G. Gurnett and others;  
Of B. Bowerman and others;  
Of J. Platt and others;  
Of the Quebec Lit. and Hist. Society;  
Of Simpson and Ward;                      Ordered, That the Petition of Robert E. Burns, Esquire, and others; the Petition of George Gurnett, Esquire, Mayor, and others, of the City of Toronto, and others of the Home District; the Petition of Benjamin Bowerman and others; the Petition of James Platt, Esquire, Mayor, and others, of the City of Oswego, in the State of New York, and others; the Petition of the Literary and Historical Society of Quebec (Quorum); and the Petition of William Simpson and Abel R. Ward, of the Village of Smith's Falls, be referred to the Standing Committee on Standing Orders.

Of B. H. LeMoine and others;                      Ordered, That the Petition of B. H. LeMoine and A. M. Delisle, Esquires, be referred to the Select Committee to which was referred the Petition of J. Q. Alfred Turgeon, Esquire, and others, the Mayor and Councillors of the County of Terrebonne, and other references.

Of M. Asseltine, referred.                      Ordered, That the Petition of M. Asseltine, Chairman, on behalf of a meeting of the inhabitants of Ernestown, Midland District, be referred to the Select Committee appointed to enquire whether any and what Legislative measures can be adopted to repress the evils growing out of Intemperance, and another reference.

Eighth Report of Committee on Standing Orders.                      The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Grand River Navigation Company; of A. W. Laird and others; of John Jacques and others; of H. G. Habbin and others; of E. C. Thomas and T. M. Simons; of the Reverend F. T. Lahaye and others; of the Mayor and Councillors of the City of Quebec; of

W. K. M'Cord and others; and of Z. Williams and others, and find that none of these Petitions are of such a nature as to require the publication of notice.

On motion of Mr. Chauveau, seconded by Mr. Lemieux,

Nuns of the  
Quebec General  
Hospital Pro-  
perty Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Community of the Nuns of the General Hospital of Quebec to acquire and hold additional real and personal property to a certain amount,"

be now read the first time.

And the Bill was read the first time.

Ordered, That the said Bill be read a second time, on Friday next.

Public Works.

Ordered, That the Annual Report of the Commissioners of Public Works, for 1848, laid before this

House, on Monday, the fifth instant, be printed for the use of the Members of this House.

Petition of W.  
K. M'Cord and  
others.

Ordered, That the Petition of W. K. M'Cord, Esquire, and others, of the City of Quebec, be printed for the use of the Members of this House.

Hamilton and  
Gore Mechanics  
Institute Bill.

Ordered, That Mr. Wetenhall have leave to bring in a Bill to incorporate the Hamilton and Gore Mechanics' Institute.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

(92)

Impediments to  
the Navigation  
below Quebec.

Resolved, That a Select Committee composed of Mr. Chauveau, Mr. Solicitor General Blake, Mr. Chabot, Mr. Méthot, the Honorable Mr. Laterrière, Mr. Taché, and Mr. Egan, be appointed to enquire

into the impediments to the safe navigation of the River St. Lawrence below Quebec, and of the Gulf of St. Lawrence, and into the best means of removing the same and otherwise improving such navigation, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Christie, seconded by Mr. Malloch,

Public Works.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return of the office of Public Works, embracing the following items: A specification of all Contracts entered into by the Board of Works since the 10th February, 1841, to the 31st January, 1849; the nature of the work contracted for; the gross amount of the Estimate of the Engineer; the sums of paid to the Contractors for work and materials under the contract; the sums paid above the contract price for any work, and the reasons for such overpayment; the amount paid from the expenditure on each work, for expenses of management and support of the office of the Board of Works, and for salaries and allowances to

its employés; and the amount paid for Surveys and special services, denoting the nature of each.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

School of Navigation.

Resolved, That a Select Committee composed of the Honorable Mr. Laterrière, the Honorable Mr. Cameron, of Kent, Mr. Egan, Mr. Armstrong, Mr.

Chabot, Mr. Chauveau, and Mr. Taché, be appointed to enquire into the expediency of establishing a Provincial School of Navigation at Quebec, in which Pilots' Apprentices and Seamen of all classes should be taught gratuitously, and in the French and English Languages, Mathematics, and the use of Nautical Instruments; such School being provided with Books, Maps, and all other Apparatus necessary for demonstrating, explaining, and practising the science aforesaid.

Ordered, That it be an Instruction to the said Committee, to enquire what would be the cost of a Vessel for the use of the Trinity House of Quebec, for attending the Light Houses and Depôts of Provisions in the different ports of the River St. Lawrence; whether such Vessel might be placed at the disposal of the Professor in the said School, jointly with the Master commanding the said Vessel, for the purpose of practical demonstration in the science aforesaid, and thus instruct the Pilots' Apprentices and other pupils or seamen of all classes, in the Art of Navigation; whether the pupils serving gratuitously on board such Vessel ought not to be victualled and provided for by the Province, or by the Trinity House, during the period of their so serving; and as to the probable cost of such an Institution for the salary of the Professor, the Lecture-room, Books, Maps, Instruments, and the said Provincial Vessel.

Absconding Debtors' Property Bill.

Ordered, That Mr. Smith, of Durham, have leave to bring in a Bill to reduce the expenses of proceedings, in Upper Canada, against the property of absconding or concealed Debtors.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the eighth day of March next.

Salt Ste. Marie Mining Company Bill.

Ordered, That Mr. Prince have leave to bring in a Bill to incorporate "The Sault Sainte Marie Mining Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Electro Magnetic Telegraphs Bill.

Ordered, That Mr. Dickson have leave to bring in a Bill to regulate the construction of, and protect from injury, Electro-Magnetic Telegraphs in this

Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.



On motion of Mr. Lemieux, seconded by Mr. Laurin,

St. Anselme  
Bridge Com-  
pany Bill.

Resolved, That the 66th Rule of this House be suspended, so far as it affects the introduction of a Bill to incorporate Jean Clovis Bélanger and others, for the construction of a Bridge over the River Etchemin, near the Church of the Parish of St. Anselme, in the County of Dorchester.

Ordered, That Mr. Lemieux have leave to bring in a Bill to authorize Jean Clovis Bélanger, Esquire, and others, to erect a Toll Bridge over the River Etchemin, in the Parish of St. Anselme, near the Church of the said Parish of St. Anselme, near the Church of the said Parish, in the County of Dorchester, and to incorporate the said Jean Clovis Bélanger and others, under the name of the "St. Anselme Bridge Company," and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Berthier Mu-  
nicipalities  
Bill.

Ordered, That Mr. Armstrong have leave to bring in a Bill to divide the County of Berthier into two Municipalities, for Municipal purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the first day of March next.

Stevedores  
Regulation Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill to regulate the trade of Stevedore at the Port of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the first day of March next.

Quebec Incor-  
poration Amend-  
ment Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.

Rebellion  
Losses.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Tuesday last, proposed to be made to the Question, That the Order of the day for the House in Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada during the Political Troubles of 1837 and 1838,

(93)

and of providing for the payment thereof, be now read;

And which Amendment was, That the words "now read" be left out, and the words "postponed for ten days to give time for the expression of the feelings of the Country," added instead thereof.

And the Question of the Amendment being again proposed:--The House resumed the said adjourned Debate.<sup>11</sup>

MR. WATTS rose to speak, but was interrupted by Sir A. MacNab.<sup>12</sup>

SIR A. MACNAB rose, to a question of order, to ask the Speaker whether, under the provision of the Union Act, the House could originate any measure by which any part of the Consolidated Fund was voted away without having first received a Message from His Excellency the Governor General. The hon. member read the clause of the Act relative to the granting of money from the Consolidated Fund, which declared that it was not lawful for the House of Assembly to originate or pass any such grant, until such grant had first been recommended by a Message from the Governor-General. He put it to the Speaker whether<sup>13</sup> with this act in existence,<sup>14</sup> he could allow such a motion as was now before the House, to be put until a Message had been received. He considered the Speaker had no power to do so, because he would be acting contrary to the law of the land<sup>15</sup> and the Constitution by the Union Act. Sir Allan also held that during the debate no message could be received from the Governor General.<sup>16</sup>

MR. AT. GEN. BALDWIN said that the hon. and gallant Knight was perfectly right in saying that this House could not originate a measure voting money until a Message had been first received. But he would find, by the English practice, that the time for delivering such Message was not yet come.<sup>17</sup> The motion now under discussion was the motion of the hon. member for Toronto, to postpone the consideration of the question.<sup>18</sup> Mr. B. then read some extracts from the Journals of the British House of Commons, to show that Messages in England were not sent down until the House was about to go into Committee, or until a motion had been passed resolving to go into Committee, when the Message sent down stated that His Majesty having been informed of the motion, recommends the proposed grant to the attention of the House.<sup>19</sup>

SIR A. MACNAB was quite well aware that such was the practice in the House of Commons, but that House did not dictate this one under the power of an Act of Parliament.<sup>20</sup>

MR. AT. GEN. BALDWIN said that the practice which was followed in England, should be followed here as closely as possible, and it had been followed in such matters since 1841<sup>21</sup> and he had never heard any objection to it before.<sup>22</sup>

SIR A. MACNAB still thought that he was right. He thought<sup>23</sup> this should not be treated as a party question, the Hon. Attorney General was right as to English practice, but the House of Commons did not act under the authority of an act of Parliament as this House did, an express provision of which was that they should not originate any matter of the kind or appropriate any portion of the consolidated Revenue of the Crown, unless they had first a message from the Governor General. This motion was contrary to the act and he thought the speaker could not put the question to the House. After the measure had been actually discussed in the House the Governor General could not send down a message, he had no right to do anything which might affect the opinion of the House.<sup>24</sup> He then referred to the Journals of the House of Assembly for Lower Canada, to show that the course he contended for had been followed there.<sup>25</sup>

MR. AT. GEN. BALDWIN said that the message could be delivered immediately if the hon. member pleased. The fact was that the Inspector General was ready to deliver the message the other day, when he was prevented

from doing so by the motion of the hon. member for Toronto, for postponement. If it was not for the motion, there would have been no inconvenience, but having thus gone into the general question, it was impossible for his friend to lay it on the table--there would, however, in reality be no inconvenience, as the extracts he had used from the English journals, shewed that the time for delivering the message was when the motion was made for going into committee.<sup>26</sup>

MR. BADGLEY said that the terms of the Union Act were so very clear, that as a lawyer, he could not explain them in any other manner than that given by the hon. member for Hamilton. It was very clear that it was therein laid down that the House could not originate any resolution for the appropriation of any part of the consolidated fund. Now there was no message before the House; and it was necessary to base the resolution on the message, not the message on the resolution; therefore he conceived that the proceedings so far were null.<sup>27</sup> Hon. Members had committed an error, and it was far better to retract, and go back to the proper course.<sup>28</sup>

MR. INSP. GEN. HINCKS maintained they were not discussing the resolutions, but the postponement of them, and the time for delivering the message from the Governor General, would be when the House went into a committee of the whole on the subject of the resolutions, and the message would, as a matter of course, be laid before the House then. The gallant knight seemed to imagine that the message had been forgot; but the hon. Speaker was well aware that he had informed him on the day the motion for postponement was given, that he had a message to lay before the House on the subject.<sup>29</sup>

MR. ROBINSON said, the proper time to have laid the message before the House, was prior to the discussion being entered upon.<sup>30</sup>

MR. ASST. COM. P. W. CAMERON said, that the original motion had not yet been come to; they had only the amendment before them, and it was time enough to deliver the Message when they were going into Committee.<sup>31</sup>

SIR A. MACNAB held that the motion of the hon. member for Toronto being placed among the notices, was sufficient to originate the motion, and desired the hon. gentlemen opposite to pause before they placed such a precedent on the record.--The message ought to have been delivered to both houses of the Legislature at the same time.<sup>32</sup>

MR. AT. GEN. BALDWIN said the gallant knight knew perfectly well that all money grants originated in committee of the whole. If there were any irregularity in the matter, it was on the part of the hon. gentlemen opposite, who had moved for the postponement. When the house was moved into committee, then would be the time to lay the message before the House.<sup>33</sup>

MR. H. SMITH, of Frontenac, thought the proper time to bring the Message down was before the Resolutions were introduced; and referred to the proceedings of the House in 1846, relative to paying £4,500 to L. J. Papineau<sup>34</sup>. The measure was not entertained till a message from the Governor General was submitted to the House. He thought the cases parallel; it was his opinion that if the hon. members persisted the act would be irregular.<sup>35</sup>



COL. PRINCE though (sic) the clause of the Act referred to so plain and simple, that those who ran might read. It had been said no opportunity had been yet offered for laying the message before the house, but they had an opportunity of doing so in the Governor's Speech. (Hear, hear.) That would have been a good time for giving the country an opportunity of knowing how it was intended to fleece them. (Hear, hear.) He held that the fact of the notice of postponement being placed on the journals of the House, was originating the measure.<sup>36</sup> No measure could originate for a vote of the public money, unless a message had been sent down from the Governor.<sup>37</sup>

MR. BADGLEY thought the members opposite in error and recommended them to retrace their steps.<sup>38</sup>

MR. AT. GEN. BALDWIN said that they were now merely discussing an amendment on the motion to go into Committee.<sup>39</sup>

MR. H. SMITH (Frontenac) said it was an order not a motion.<sup>40</sup>

MR. BADGLEY thought they could do nothing in this matter, without having a message. They must have a message, and then make their resolution a motion afterwards. If they had no message, they could not even make an order.<sup>41</sup>

MR. INSP. GEN. HINCKS said they were not discussing any resolution-- they were discussing a proposition from the hon. member for Toronto to postpone the discussion of the question for ten days. When the House went into Committee, the message would be delivered before the resolutions were prepared. He had a verbal message to deliver, and would deliver it at the proper time.<sup>42</sup>

COL. GUGY held that the terms of the Act were plain that no measure should originate unless a previous message had been received; more especially where the passing of a measure so unconstitutional and so fraught with danger<sup>43</sup> which many persons, beside himself, thought would be highly injurious to the future prosperity of the Province<sup>44</sup> and of such a nature as was likely even to lead to a separation from the other country.<sup>45</sup> ((He)) read part of a speech from Lord John Russel (sic) on the subject of the duty of the Governor General, drawing a distinction between his position as Governor General and that in which he would be if he were an independent Governor. From this, he drew the conclusion that Ministers should show that the Governor General concurred with them in their opinion on this measure, before they proceeded with it.<sup>46</sup> Strong doubts, he observed, were abroad, as to whether the Governor General entertained the same opinion on the subject as his ministers. The hon. gentleman alluded to the late enthusiastic meeting at the Bonsecours Market, and to the probability that His Excellency might, in this case, be commanded by his Sovereign to act in a different manner to that which he was advised by his ministers. As the question before the House was on the postponement,--if the measure had not originated, there could have been no question of postponement; the method of proceeding was a violation of the Law constituting this House.<sup>47</sup>

MR. AT. GEN. LAFONTAINE said it was as well to tell the Hon. Member for Sherbrooke that they had the Governor's permission. In '44-45, when Mr. Papineau's claims were before the House, no Mesages (sic) had been

sent.<sup>48</sup> ((He would)) tell the hon. member for Sherbrooke once for all, that every measure introduced by the Ministry, would be introduced with the approbation of the Governor. When the honourable and gallant member for Hamilton was in the chair, and the same resolution was carried with respect to the Upper Canadian losses, there was no message delivered. His motion was only to read the order of this House.<sup>49</sup>

SIR A. MACNAB called for the journals. He commented on the absurdity of stating that nothing had been originated regarding the measure, when the House had been debating on the subject for a week. He asked if the Speaker was at liberty to allow the matter to proceed further, before a message had been sent down; and whether he (the Speaker) was above the law?<sup>50</sup> The resolutions for paying the Rebellion losses in Upper Canada was not an original proceeding. It merely gave effect to an act of Upper Canada, already in existence.<sup>51</sup> He read several extracts from the Journals of the House shewing that it had always been the custom to receive a message from the Governor General, when votes of money were required--one extract proving, that in the case of a grant of money for the Army Bill Office in Lower Canada, it had been left out in the vote, on account of a mere clerical error, and said it was a question whether there was not a necessity for delivering a message to both Houses at the same time.<sup>52</sup>

MR. H. BOULTON said he thought at first the Hon. member for Hamilton was right; but he had altered his opinion, for, on reference to the journals he found that the passing of their own Act for the payment of the Rebellion Claims in Upper Canada was<sup>53</sup> much more opposed to the Union Act than the present one. The resolutions of 1844 was, in fact, directly in the teeth of the Union Act, for they appropriated £40,000 out of the tavern license funds to a certain purpose. There was no message then, but it was necessary however, to look at the current interpretation (sic) of the Union Act. Now in England they would receive no petition demanding a grant until recommended by the Crown, whereas every day cart loads of petitions for roads, &c., came down and were received. The House therefore did not adopt a rigid construction of the law.<sup>54</sup> If they acted fully up to the Union Act--to the letter, a message would be necessary to originate any vote for the appropriation of public money, no matter how simple.<sup>55</sup> Now here there was no proposition at present to appropriate any money.<sup>56</sup> He thought when the Speaker left the chair for the House to go in Committee, was time enough to deliver the message, for until then no vote had originated. If they wanted to entrap them, they should have waited until they voted in Committee, without a message having been received.<sup>57</sup>

MR. ROBINSON disclaimed any intention of desiring to entrap Hon. Members opposite.<sup>58</sup>

MR. CHRISTIE thought the most correct plan would be to proceed de novo; they had a right to have the Governor's Speech in writing.<sup>59</sup>

MR. INSP. GEN. HINCKS said no written message would be sent.<sup>60</sup>

MR. CHRISTIE replied sharply--then we shall have it through the mouths of the ministers, who, I hesitate not to say, are the masters of His Excellency the Governor General. He (Mr. Christie) contended that the proposed measure was one of a heinous nature, and might probably lead



to a separation from the mother country. He could hardly express sufficiently his regret and contempt to hear such allusions to the manner in which His Excellency was governed by his advisers.<sup>61</sup>

((There was)) some further discussion on the subject<sup>62</sup>.

MR. J. S. MACDONALD, of Glengarry, supported the course pursued by the Administration.<sup>63</sup>

MR. BADGLEY referred to the 55th clause of the Union Act, to show that the consolidation of the Revenue was not intended to interfere with former grants previously made.<sup>64</sup>

SIR A. MACNAB sent up a motion to the chair that the motions before the House be withdrawn, and the measure proceeded with afresh in a proper manner.<sup>65</sup>

MR. WATTS resumed his speech, which had been interrupted on a former evening.<sup>66</sup> He said that the gallant knight for Hamilton had stated that during the rebellion he had received £65 for his services, but it was notorious that he had received twenty times that sum. He merely alluded to this subject, as the hon. member was so much in the habit of attributing to hon. members motives which he was confident did not influence them, and putting into their mouths, language which they had never made use of; so that the hon. member must not be surprised if he (Mr. W.) should remark on his inconsistencies every time he spoke. The manner in which the hon. member had attacked the Inspector General very lately was truly surprising. He had put into that hon. gentleman's mouth expressions which he denied, that he had not made use of; and yet in spite of the denial, he re-stated the assertions, and would scarcely allow him even an opportunity of explanation, whilst he repeated the charge again and again. In fact the hon. gentleman's conduct was characterised throughout this debate, by a most extraordinary want of moderation. He had risen to attempt a reply to the speech of the hon. member, but although he spoke for an hour and a half, was it entitled to the title of a reply? It was in reality a confirmation of the charges made by the Hon. member, and the long and short of it, seemed to be, that he had risen to make a speech about Peter Russel and his office. In that speech he also said that the Government had given the best office in the gift of the Crown, to a rebel in Montreal. He (Mr. W.) did not see what that had to do with the question, for if the man had been pardoned and were fit for office, he could not see any objection to his being given office; but he did not exactly know what office he alluded to. It did strike him, that the appointment alluded to by the hon. member, was one made by the late ministry to a rebel, in order to suit their party views. For the appointment itself, he would say he had not objected to it, because the man was well qualified for the office; but he, nevertheless, did think it strange that the late ministry had absolutely sent into a foreign country for a person to fill the office of Prothonotary, and had chosen especially a man who had actually taken the oath of allegiance to that country. It was scarcely fair to charge on the present ministry the deeds of its predecessors, but if the hon. gentleman intended to find fault with the present ministry for appointing persons to office who were engaged in the troubles of 1837 and 1838, let him look to what his friends near him had done while they were in office. Besides the



appointment already mentioned, they had made several others of the same class, one of the persons so appointed having been at particular period, obliged to take a trip to Bermuda. Now, when that was the case it was rather strange, that hon. members on the Treasury Benches should be blamed for following the example of their predecessors. With respect to what had fallen from the hon. member for Sherbrooke, he (Mr. W.) bore willing testimony to that hon. gentleman's humanity and moderation at the time to which he referred, but when he went so far as to attribute to the Roman Catholics as a body, disloyal conduct, in his opinion that hon. gentleman went rather too far.<sup>67</sup>

COL. GUGY was exceedingly glad that the hon. gentlemen had given him an opportunity of explaining what he had said the other day, and which he believed had been misunderstood.<sup>68</sup> He had alluded to the Marriage License Fund being solely made up from fees received from Protestants, who were almost to a man loyal, or rather, he should say, on the side of order, while most of those in array against the Government were French Canadians, and consequently Catholics; and he had thought it strange for the House to attempt to pay the losses occasioned by Roman Catholics from a fund derived exclusively from Protestants.--He never intended to draw any line between the persons of the two sects, and as to the loyalists being all Protestants, he could never have said that, or, at least, never intended to say it, as he knew that the Irish population was all loyal, and he had fought in the ranks with Irish Catholics, who were to a man loyal--as loyal as himself.<sup>69</sup>

MR. WATTS was exceedingly glad that<sup>70</sup> he had afforded the hon. member an opportunity to explain, and was much pleased with his explanation.<sup>71</sup> He could not conceive, however, why any allusion had been made to the murder of Chartrand, except for the purpose of inflaming men's minds, or, perhaps was ad captandum vulgas, who stood below the bar--adstant erectis auribus, he might say. He could not conceive what other motive could have actuated him; for the murderers had expiated with their lives, the crime they had committed. Some honorable members had said it was intended by the ministry to pay the claims of Dr. Nelson. If that was not the intention of the ministry to pay the claims of any actually engaged in the rebellion, he would vote in favor of the ministerial proposition, in order that the claims of innocent people who had suffered heavy losses and whose claims ought to have been satisfied long ago, should be paid at length.<sup>72</sup> Many of the Canadians who had suffered had taken no part in the Rebellion. In the Parish of St. Eustache, the Church of which was burnt, there were many loyalists; indeed, a company of loyal French Canadians there, under the command of Captain Globenski, took a very active part during the troubles there, and when the village was set on fire the houses both of loyalists and rebels were burnt, and he thought it too bad these persons should not be compensated for their own losses, and that they should be obliged to rebuild their Church which they had destroyed by the order of the Government.<sup>73</sup> Could there be a more unjust thing than to refuse to pay these persons. Again on the river Richelieu, the troops had arrived at St. Denis and found the houses deserted by their inhabitants, who refused to have any thing to do with the Rebellion, and had even been imprisoned by Dr. Nelson's party<sup>74</sup> and he thought it but just that they should be paid.<sup>75</sup> He would like to know when ministers were prepared to adopt the very same course as their predecessors; how members on the

other side could arrogate to themselves the sole right to legislate on this question, unless it were because the party who supported them would not kick up any row so long as they were in power, while the liberal party would have been only too delighted to see an act of justice done. He thought the hon. member for Huron had dismissed the subject of the payment to Mr. Papineau in a very summary manner. He merely said that the payment was not made through corrupt motives. He wanted to know then what the motives were? Mr. Papineau was entitled to the money but after the rebellion the government refused to pay him and cancelled the warrants, so that he could not obtain it, except by fresh Legislation. On what ground then was this sum paid to the chief of the rebellion--the man for whose apprehension Government had offered double that offered for any one else?--Was it to secure the support of an influential family and influential man? Until that time he never heard that men would reward the leaders of mischief and punish the followers. But the hon. member for Hamilton had declared that he was quite ready to vote for the payment of the money to rebuild the church of St. Eustache. He (Mr. Watts) since he heard that, had come to the conclusion that they would both vote on the same side; for he believed that the Government would go no further. At least he would say, for his own part, that if they proposed to pay rebels who were in open arms he would vote against the resolutions. The hon. member for Hamilton had also said that the House could do what it liked with the majority; but it could not prevent an appeal to England. He would answer that the Queen would not lend her aid to assist the views of a faction; but that she determined that the Government should, for the future, be carried on in accordance with the well understood wishes of the people.<sup>76</sup>

M. PAPINEAU.--Le Haut-Canada a presque toujours été traité avec bienveillance par le bureau colonial. Il ne faut pas s'étonner d'avoir entendu les membres des deux partis dans le Haut-Canada exprimer leur confiance dans les vues de l'Angleterre. Le Haut-Canada a été traité avec modération, comparativement au Bas-Canada, par le parti qui a été le plus souvent et le plus longtemps au pouvoir. Il n'y a donc pas à s'étonner que la lutte dans le Haut-Canada n'ait roulée que sur des détails insignifiants. La politique des deux partis a été à peu près la même. Ils ont été courtisans de tous les gouverneurs. La constitution leur paraissait bonne avec l'aide des gouverneurs. Là s'est borné la lutte dans le Haut-Canada. Il n'y a pas eu de grands principes de proclamés dans le Haut-Canada, pas de désir de réformes portées bien loin. Les deux partis se trouvant tour-à-tour en majorité à chaque élection, se sont sans cesse fait des concessions aux dépens de la tierce partie, aux dépens du peuple, dont ils ont négligés les intérêts. La lutte était pour la possession du pouvoir entre les familles influentes, et ils n'ont guère portés leurs vues de réforme plus loin. Le Haut-Canada a obtenu justice de presque tous ses gouverneurs. Les plaintes se bornent simplement à l'administration des deux derniers, des gouverneurs Sir Francis Bond Head et Sir Georges Arthur.

Le Haut-Canada a entonné des chants de louanges pour Lord Durham. Nos libéraux ont porté jusqu'aux nues ses mérites, parceque, dit-on, il les a arrachés à la domination des tories. Ils peuvent avoir raison de le louer ainsi. Mais le Bas-Canada n'a pas un mot de louange à en faire; il ne reconnaît lord Durham que par son alliance avec les tories du Bas-Canada et les libéraux du Haut-Canada, tous également arbitraires



et tyranniques dans leur prédétermination de regarder les canadiens-français, comme des étrangers dans le pays de leur naissance; de violer contre eux la loi des traités, les principes les plus positifs du droit constitutionnel anglais; les premières lois de l'humanité et de la justice en les punissant sans procès; en leur ravissant leur constitution et leurs propriétés contre leurs protestations connues par leurs persécuteurs libéraux et il-libéraux pour condamner ce pays à une violence plus grande que n'en a jamais éprouvée même la malheureuse Irlande, à l'époque désastreuse de son Union forcée à l'Angleterre. Ils ont aussi des louanges à donner à lord Sydenham qui n'a fait qu'aggraver notre situation.

Dans les reproches que se sont faits et les tories et les libéraux, et où il y a autant de vérité d'une part que de l'autre; dans tout ce que l'opposition a reproché aux libéraux, et dans tout ce que les libéraux ont reproché à l'opposition, le Bas-Canada a-t-il été pour quelque chose? Trois jours de débats ont absorbé les séances de la Chambre, et les seules accusations vraies qu'on se soit lancées ont été les seuls sujets d'examen, tandis qu'il s'agissait de l'intérêt du Bas-Canada. Rien peut-il montrer plus clairement combien l'Union doit nourrir d'animosité entre les deux provinces, que toute cette guerre, lorsqu'il s'agit d'une bagatelle en argent à demander pour le Bas-Canada, lorsque le Haut-Canada, libéraux et tories, nous ont arraché sans notre consentement douze millions de piastres; rien ne peut-il prouver plus clairement les mauvais effets de l'acte d'Union que toute cette haine que nous voyons s'exhaler de la bouche des deux partis qui ont fait les frais de cette discussion? Il s'en suit bien clairement que chaque fois qu'il y aura pour nous une mesure de justice, un commencement de restitution de tout ce qui nous a été enlevé, il y aura les mêmes appels aux passions mauvaises, aux préjugés nationaux plus funestes pour que le Bas-Canada n'ait pas justice; on regardera toujours le sacrifice de quelque argent en faveur du Bas-Canada comme quelque chose de donné à des étrangers.

C'est ainsi que l'on n'a pas rougi de nous appeler. C'est le langage de Downing-Street ressuscité, tel qu'il est traduit par la politique inflexiblement suivie contre nous du jour où les traités incessamment violés nous ont soumis à la domination anglaise. Il y a quatre-vingt-six ans que nous sommes devenus sujets anglais; et toujours depuis ce temps a percé dans toute la politique, dans tous les actes de Downing-Street un préjugé aussi étroit que celui du membre pour Hamilton; ce préjugé a inspiré toutes les démarches du bureau colonial à notre égard; et les paroles de l'hon. membre pour Hamilton prouvent qu'il s'est nourri et saturé des sentiments les plus hostiles, des préjugés les plus étroits de ce bureau colonial.

Qu'il y ait quelques demandes de faites dans la province unie en faveur de quelque amélioration, et on demandera si c'est pour les canadiens, pour les étrangers! Mais le district de Montréal est en grande partie composé de ces étrangers. Ils y sont en grande majorité. Ils sont en majorité dans les districts de Québec et des Trois-Rivières; ils le sont aussi dans le district de Gaspé! Il restera donc que le comté de St.-François qui peut-être sera regardé comme de figurer dans la civilisation Haut-Canadienne? Mais non, vous verrez qu'il est petit, qu'il y aura de bonnes raisons pour qu'il soit convenable que les améliorations se fassent de préférence dans le Haut-Canada. Le reste du Bas-Canada sera considéré comme indigne d'occuper l'attention du gouvernement. Les canadiens seront traités comme des étrangers. On les traitera comme l'on a traité pendant



des siècles les habitants de l'Irlande. Il n'y avait que les envahisseurs et ceux des habitants du pays qui avaient été traîtres la patrie, qui avaient droit à la sympathie du gouvernement anglais. Ceux-là étaient appelés les irlandais civilisés. Le reste de la population irlandaise avait été négligé, persécuté. C'étaient des irlandais sauvages contre lesquels on faisait la chasse, comme autrefois les Lacédémoniens la faisaient aux Ilotes.

L'acte d'Union que les membres libéraux de cette Chambre louent avec si peu de bienséance par rapport à nous qu'ils insultent, est leur fait à eux; et c'est au parti libéral que nous avons les plus graves reproches à faire à sujet. Il ne se sont conduit que par la considération d'abaisser le parti tory, que par la considération de la possession du pouvoir. Ils ont tous sacrifié à cette considération; ils y ont sacrifié et leurs propres libertés et les nôtres, et celles de toutes les colonies anglaises. Ils ont sollicité la tyrannie de l'Angleterre pour qu'elle vint à leur secours.

Eh! bien, il n'y a qu'à voir, M. l'orateur, quelles sont les conditions de l'Union des Canadas comparées à celles de l'Union de l'Irlande à l'Angleterre et l'on verra que les hommes qui ont contribué à faire imposer cet acte d'Union à l'Irlande, ont été, sous bien des rapports, des hommes libéraux comparativement au procureur-général et ses amis dans le Haut-Canada, qui ont travaillé à nous faire imposer l'acte d'Union.

Lorsque cette fatale mesure de l'Union, par rapport à l'Irlande, a été adoptée dans des circonstances comme celles où notre union nous a été imposée; lorsqu'après sept ans d'oppression, le gouvernement anglais agissait pour étouffer ce qui restait de vie, d'honneur, de fierté nationale en Irlande, lorsque par la force armée et par la division, comprimée par la corruption et par la terreur; par l'incendie et par l'échafaud, il y eut fait rétrograder la civilisation et allumé dans le cœur des neuf dixièmes de ses habitants, une haine qui y brûle aujourd'hui aussi vivace, qu'au jour où elle est justement née; lorsqu'on eut ravagé l'Irlande, bien au-delà de ce que se le serait permis un vainqueur étranger, qui eut été plus humain, bien au-delà de ce que le permettent les lois de la guerre; on saisit l'occasion pour dire que l'Irlande et son parlement devaient perdre les droits légitimes, inaliénables que l'on avait reconnu en 1782 et 1783 leur appartenir. La législature anglaise, le despotisme anglais avaient statué en 1719 que le roi, du consentement des lords et des communes assemblés en parlement a eu, a, et de droit, doit conserver pleine puissance et autorité de faire des lois et statuts qui pourront lier et obliger le royaume et le peuple de l'Irlande.

En 1793 les américains venaient d'enseigner la justice et la peur au gouvernement anglais, et son parlement cédant à l'autorité de la raison, expliquée par les 150,000 volontaires armés, statua en ces termes: "le droit du peuple de l'Irlande, de n'être lié que par les seules lois qui seront passées par Sa Majesté et le parlement irlandais, dans tous les cas possibles, in all cases whatever, et il est par le présent acte déclaré et il est établi pour toujours, et ne sera en aucun tems à venir, contesté ni ne pourra être mis en question, shall at no time hereafter, be questioned or questionable."

On avait reconnu que le droit de l'Irlande devait être respecté, qu'elle ne devait pas obéir à d'autres lois que celles que le parlement irlandais ferait pour les sujets de l'Irlande. L'indépendance du parle-

ment irlandais celle de tous les parlements provinciaux étaient consacrées pour toujours. La parole du gouvernement anglais était engagée à cet effet. Pourtant, quinze ans après, le gouvernement anglais, parjure à son engagement, par l'intimidation et par une corruption étirénée, par des moyens que nous avons vus répétés en Canada, espère arracher au parlement de l'Irlande, un acquiescement à cette union. Mais il fallut y aller avec quelque modération. On avait sous les yeux toute l'Europe; on craignait l'indignation que soulève toujours une tyrannie patente et nullement gazée par quelques faux fuyants. L'on fit une suite de résolutions par lesquelles on disait: le gouvernement considère que l'Union est seul moyen d'entretenir la force de l'empire britannique; le mécontentement continuel de l'Irlande et l'esprit d'envahissement et de conquête de la France toujours prête à y jeter des secours, nous exposeraient trop, peuvent conduire à l'affaiblissement, au démembrement du royaume, exposent cette nation puissante à être abattue. Pour éviter ces inconvénients et parer à ces dangers, l'Union est nécessaire. Nous nous présentons avec des vues larges de libéralité; les conditions que nous proposons à l'Irlande sont d'un avantage mutuel. Nous lui laissons la liberté la plus pleine et la plus entière de les accepter ou de les repousser, maintenant qu'elle est terrifiée et nageant dans son sang. L'Irlande eut néanmoins le courage de la refuser en 1799. Avec une feinte modération Pitt et Castleroagh, les assassins de ce malheureux pays, retirèrent leurs propositions. Cette année toute entière fut employée à accroître la terreur et la corruption et l'inique mesure rejetée en 1799 fut votée en 1800. Le prix que chacun des traîtres à la patrie reçut est connu; leurs noms sont flétris. Les publicistes et juriconsultes les plus éclairés anglais et étrangers la regardent comme un acte de tyrannie sans excuse comme sans exemp, (sic) comme un acte inconstitutionnel et illégal, parce que le parlement irlandais n'était pas établi pour anéantir mais pour défendre la constitution. Il n'avait pas de mission pour consentir à l'acte d'Union. Si l'on voulait des changements à la constitution irlandaise, il fallait avoir pour cela mission expresse du peuple du pays; la question devait être soumise à la voix du peuple, et non à une législature établie pour une toute autre fin.

Il y avait donc l'acte d'Union de l'Irlande. Son parlement avait été élu pour défendre, non pour anéantir la charte de ses libertés consacrées par l'acte déclaratoire de 1783. Il eut fallu les libres suffrages d'une convention nationale pour altérer dans son essence, les principes de la constitution nationale.

Il y avait donc eu là un certain degré de modération, puisqu'on avait laissé subsister l'apparence de la liberté de pouvoir accepter ou rejeter l'Union? Il n'y en a eu aucune ici; il n'y a pas eu dans le Bas-Canada de consentement donné, de la part d'aucune autorité légitime à l'Union. Le peuple n'était pas représenté, le conseil spécial était l'esclave titré du gouverneur, qui est l'esclave titré du ministre. Le peuple avait protesté contre l'Union; c'est dans ces circonstances que nos oppresseurs les libéraux du Haut-Canada ont sollicité l'Union. Le parlement anglais n'usurpa point la faculté de disposer des argents de l'Irlande, il disait: cette mesure verra cesser la rivalité qui existe entre les deux pays, mais l'Angleterre payera ses propres dettes; on ne demandera pas à l'Irlande de contribuer au payment des dettes que l'Angleterre a contractées. Les libéraux du Haut-Canada pouvaient suivre cet exemple,



mais ils ne l'ont pas suivi; ils ont préféré nous imposer le paiement de leurs dettes, et cela lorsque nous n'avions pas de représentants; et cela sachant qu'ils foulaient aux pieds les premiers principes du droit constitutionnel. Voilà ce qui peut nous justifier à nous en plaindre; voilà ce qui fait craindre comment ils administreront le gouvernement, quand ils auront le pouvoir. Non seulement on pourvoyait à ce que l'Irlande ne payât rien de la dette de l'Angleterre, mais l'on ajoutait pour consoler l'Irlande des sentiments d'attachement et de fierté qu'elle avait nourris pour sa nationalité qu'elle sacrifiait en partie dans l'intérêt commun; pendant vingt années entières, vous ne payerez de taxes que dans la proportion qu'avait fixée votre propre parlement. Dans les trois années précédentes elle a payé ses taxes, dans la proportion de  $7\frac{1}{2}$  par cent, de ce que nous avons payé en Angleterre.

Pendant vingt ans l'Irlande ne payera de taxes que dans la proportion qu'elle a payée pendant les trois années qui ont précédé l'Union. Or, y a-t-il en rien de semblable par rapport à nous? Non. On n'a usé envers nous d'aucun ménagement. Ce n'est donc qu'une bien faible restitution dont nous faisons la demande aujourd'hui au Haut-Canada? Pourtant, il s'y refuse avec une âpreté pour l'argent, qui ne saurait s'excuser par les reproches mutuels, amers, justes et vrais que se font depuis trois jours entiers, les deux partis, qui se sont disputés les places et le pouvoir dans le Haut-Canada, et qui, ni l'un ni l'autre, n'y ont fait de grands efforts, pour inspirer au peuple l'amour de ses franchises et libertés. Le catalogue des offenses est plus long du côté de l'opposition. Néanmoins, la plus grande partie des observations et des reproches qui ont été faits contre le parti libéral sont de toutes vérité, tant leur zèle a été pour les droits populaires; tant l'autorité des précédents anglais a été également forte pour les uns et les autres; tant leurs penchants ont été également aristocratiques; tant ils ont singé avec vérité les nobles tories, les nobles whigs, qui ne valent pas mieux même après cette duperie pratiquée contre le peuple anglais, le bill de réforme. Dans la distribution des terres, ils ont été aussi habiles pour ne pas dire aussi avides à se faire une grande part comme l'ont été leurs adversaires. J'ai toujours eu dès ma première entrée dans la vie publique des rapports avec quelques membres libéraux du Haut-Canada. A la veille de la première session de chaque parlement, je les ai vus confians, persuadés que les élections leur avaient été favorables et qu'ils obtiendraient des réformes. Invariablement, je leur ai entendu dire, nos principaux hommes sont passés à l'autre parti, parce qu'ils ont reçus de grands octrois de terres. Qu'est-il résulté de ceci, c'est qu'il n'y a pas eu dans le Haut-Canada d'opinion publique éclairée; que tout s'y est toujours décidé par des intérêts particuliers et de localités. Si les reproches ont été plus nombreux de ce côté-ci de la Chambre, c'est parce que ses orateurs sont restés plus longtemps debout; ont pris jusqu'à ce moment plus d'heures de discussion. Si les libéraux ont essuyé moins de reproches, c'est parce que, comme on le leur a dit, ils ont été moins longtemps au pouvoir. Le peu de temps durant lequel vous avez exercé le pouvoir fait pressentir que vous l'auriez exercé arbitrairement, si vous en aviez été saisis plutôt.

On a fait allusion à un fait qui, s'il est vrai, implique grandement le cabinet actuel. On a dit que lorsque le sentiment de pitié faisait place aux sentiments de vengeances; que lorsque dans le Haut-Canada on avait signé, au nombre de plus de trente mille personnes, la requête demandant



le pardon de Lount et Mathews; ce furent les libéraux qui alors étaient dans le conseil de sir George Arthur, dont l'un était hier pour ainsi dire dans notre conseil exécutif libéral, qui avaient refusé d'ouvrir leurs coeurs à la pitié, de céder à l'opinion publique, de respecter les vœux de la majorité de la population du Haut-Canada, de céder aux pleurs et aux prières des femmes et des enfants de ces deux infortunés. Si cette accusation est fondée; si ces hommes étaient véritablement dans les conseils de sir George Arthur; si ce sont leur flagornerie, leur désir de flatter les mauvaises passions de ce gouverneur qui les a portés à refuser cet acte de grâce, celui d'entr'eux qui vient d'être fait juge par notre ministère était beaucoup moins qualifié dans mon opinion pour la charge de juge, que ne le sont les bouchers dans le système miséricordieux, nous dit-on, des lois criminelles anglaises, à siéger comme petits jurés. Les lois anglaises ne veulent pas qu'un petit juré soit pris dans la classe de boucher, parcequ'il se peut, disent ces lois, que les bouchers, par l'habitude de voir couler le sang des animaux, soient devenus peu sensibles, à la pitié. Or, ceux qui dans des circonstances comme celle-là, ont refusé de faire grâce à ces malheureux, ceux qui ont versé le sang humain, quand 30,000 citoyens, tories et libéraux, pêle-mêle et sans distinction, leur criaient que la pitié était plus sage que la vengeance, seraient-ils aujourd'hui des hommes qui dans et par un cabinet devraient être choisis comme les plus dignes d'être faits juges? Je crois qu'il y a dans ce fait là une indication que l'esprit de coterie, que les principes de l'ancien comme du nouveau family compact sont trop forts aujourd'hui, come ils le furent ci-devant; que le système d'après lequel ils seraient prêtes à gouverner, peut devenir violent et dangereux, s'il n'y a pas de contrepoids pour les retenir, s'il n'y avait pas une jalouse surveillance quand à la manière dont ils exerceraient le pouvoir.

La discussion, au lieu de rouler sur les mérites de la question, a roulé uniquement sur les plus ou le moins de louanges ou de désapprobation que doivent obtenir ceux qui ont pris les armes contre ce qu'ils appellent l'odieuse rébellion. De ce seul fait dans leur vie toute entière, ils réclament le droit d'être approuvés pour tout ce qu'ils ont fait et dit dans tout le reste de leur vie publique. Ils ont pourtant été condamnés par toutes les autorités compétentes, pour leurs nombreux méfaits politiques, quoiqu'ils aient pris les armes. Pour ce dernier service ils ont eu leurs récompenses, des votes d'approbation, des titres, de l'argent de la part d'autorités qui peuvent donner tout cela, mais qui ne peuvent pas aussi facilement distribuer la bonne opinion et les suffrages des électeurs. Ils avaient été faits officiers et chevaliers à cause de leurs succès militaires mais lors que des commissaires ont été envoyés d'Angleterre pour connaître quelles avaient pu être les causes qui avaient nécessité un soulèvement dans les deux Canadas, ces commissaires ont pris leur conduite dans tout son ensemble et les ont condamnés et censurés. Le travail des bras et des jambes avait été bon celui de la tête plus que médiocre.

Il y a une loyauté franche, éclairée, conciliante, judicieuse, c'est celle qu'ils n'avaient point; cette loyauté ne donna son appui au pouvoir que quand il la méritait. La loyauté des tories en Canada, celle qu'ils ont eu ... pendant et depuis leur prise d'armes, montre qu'ils étaient autrefois indignes de posséder le pouvoir, comme la virulence de la haine

qu'ils exhalent contre la liberté constitutionnelle; comme les étroits préjugés et les farouches antipathies de race qu'ils affichent, prouvent qu'ils le sont encore aujourd'hui.

La manière dont toute cette discussion a été conduite montre que les membres de l'opposition ne sont pas aptes à conduire un gouvernement tel qu'il en faut aux peuples de l'Amérique en 1849. Quelles ont été les observations qui ont été faites par les hon. membres qui ont parlé de l'autre côté de la Chambre. "Une administration oserait-elle nous faire le reproche d'avoir pris les armes pour la défense du trône? Voilà leur grand argument. Non! l'on ne vous fera pas ce reproche; et vous n'avez pas à rougir; si votre acte était le résultat d'une conviction sincère, vous ne fesiez que remplir un devoir, mais ce qui vous a été reproché bien plus justement, c'est d'avoir auparavant amené, par vos procédés inconstitutionnels, le soulèvement du peuple que vous aviez jeté dans le désespoir, que vous aviez mis dans la nécessité de se défendre, pour ne pas être écrasé. La résistance des canadiens à un gouvernement aussi inconstitutionnel que l'avait été celui qui faisait alors le malheur du pays, a été pleinement justifiée; les commissaires mêmes de la métropole ont reconnu que cette résistance était au moins excusable, peut-être légitime.

Lord Sydenham a déclaré en termes formels que ceux qui avaient péri pour ce qu'on a appelé l'erreur du moment était (sic) plus excusables que ceux qui avaient été à la tête de l'administration du pays. Il n'aurait jamais voulu, ajoutait-il, prendre les armes, lui, pour soutenir un gouvernement aussi vicieux aussi arbitraire, aussi fautif dans tous les départements. Cela fait voir l'idée qu'il avait de la loyauté dont se louent fort les hons. membres, loyauté qui a été condamnée par la métropole elle-même. Leurs prétentions, disait encore ce gouverneur, sont si exagérées, sont si arrogantes; ils veulent tellement courber sous leurs pieds et le gouverneur et le peuple, et qu'il n'y ait que leurs vues qui prévalent, que malgré leurs perpétuelles protestations de loyauté, ils ne valent pas mieux que leurs adversaires. Qu'est-ce donc, M. l'orateur, qu'une loyauté comme celle-là, qui est condamnée par l'Angleterre, pour laquelle on professe néanmoins un si si (sic) grand attachement, qui est censurée par les ministres de la reine à laquelle on promet une si inaltérable fidélité sans soumission aucune, quand on organise une factieuse opposition. Qu'est-ce donc que cette loyauté qui a été blâmée l'année dernière par les libres suffrages du peuple, qui a causé les loyaux en une glorieuse minorité, tapageuse et menaçante en raison de sa faiblesse réelle; que les représentants ont précipité en bas de la banquette ministérielle où ils siégeaient aussi placides et courtois l'an dernier, qu'ils le sont peu, durant cette déclamatoire discussion.

Qu'est-ce donc que cette loyauté qui est condamnée par tout le monde et qui ne reconnaît aucune autorité au dessus d'elle, qui ne se soumet à personne, pas plus à la censure de la Reine qu'à la volonté du peuple? ... C'est la loyauté de l'orgueil, de l'intérêt, de l'amour de la domination; c'est le véritable système anglais, lutte acharnée de deux partis trop ardents à se supplanter, pour qu'ils n'écartent pas toute modération dans leurs moyens d'action; ce n'est pas la loyauté de la patrie à ses droits envahis. C'est la loyauté de la soumission passive à une constitution vicieuse, imposée pour organiser l'esprit de discorde entre les sujets



d'un même pays. L'animosité des présents débats prouve qu'elle n'a pas tardé à produire les fruits empoisonnés, que s'en étaient promis ses perfides auteurs. Si cette loyauté était judicieuse et clairvoyante autant que vantée, elle devrait leur faire sentir que tout en conservant la pleine liberté de leurs opinions, ils doivent apporter, à l'examen des questions qui s'agitent devant nous, la gravité et la bonne foi qui appartient à des législateurs, au lieu d'appels déplacée aux plus mauvaises passions d'une faible minorité. La seule question que doit se faire tout homme juste sur cette mesure est celle-ci: ces propositions sont-elles justes, de saine politique et conciliantes. Lorsque des troubles éclatent dans un pays, il y a toujours des excès de commis que tout le monde condamne. Mais ces excès, ne faut-il pas qu'ils soient réparés?... Examinons donc la question sous un point de vue de modération? Demandons-nous, s'il est juste que cette mesure soit passée? C'est la seule considération que nous devons avoir en vue. Or n'a-t-elle pas été accordée dans le Haut-Canada? Qu'on s'en rapportu (sic) au statut qui a été passé pour le Haut-Canada, et l'on verra que c'est bien ce qui est arrivé.

J'accepterais une loi dont les clauses statuantes seront copiées sur la loi du Haut-Canada. Nous refuser la loi qu'ils se sont donnée, est un acte d'odieuse partialité contre nous, est un acte d'injuste agression. Les termes de ce statut l'indemnité (sic), m'assurent que personne ne sera exclue du droit à de son droit à une juste compensation. Il n'y a que le titre seul de ce statut qui puisse donner naissance à quelque doute. Partout ailleurs les mots "justes réclamations" ont disparu, en sorte qu'il ne peut pas rester de doutes sur son interprétation. Il y est dit indistinctement que des réclamations seront reçues pour toutes les pertes souffertes pendant les évènements de trente sept et trente huit. Les termes donc de cet acte que le Haut-Canada a bien voulu demander pour lui-même, je les accepte tels qu'ils sont, et il n'en pourra résulter aucune exclusion.

On dit que les argents qui ont été employés à payer ces pertes dans le Haut-Canada ont été pris sur des fonds particuliers; qu'ils provenaient des droits de licences d'auberges payés dans le Haut-Canada. Qu'importe cette subtile et futile distinction, si les quarante mille louis qu'on a ainsi employés n'avaient pas été donnés à des particuliers, ils seraient aujourd'hui dans le trésor commun. Nous aurions quarante mille louis de moins à emprunter. C'est au moyen du labeur commun, de taxes prélevées postérieurement au fatal acte de réunion, de nos taxes à tous qu'on a accordé une juste indemnité à ceux qui avaient souffert dans le Haut-Canada; et c'est ce qui nous donne droit à en demander autant pour le Bas-Canada.

Et ici, M. l'orateur, si je me reporte aux temps passés, ce ne sera pas par le désir de rappeler les haines et les animosité que je le ferai. Mais si vous vous refusez à cette mesure, si elle ne passe pas, n'y aura-t-il pas toute une classe entière et nombreuse qui n'a pas pris part au mouvement pendant les troubles, qui se trouvera exclue du droit commun? Reportons-nous au premier acte de violence qui a commencé la guerre civile. Où se trouvent (sic) le tort dans cette occasion? Le tort s'est trouvé chez des citoyens d'une loyauté indiscrete et irraisonnable, qui les a poussés à agir arbitrairement et sous l'ordre des autorités constituées ni civiles, ni militaires. Personne ne leur avait donné droit d'agir dans cette circonstance. Ils se répandent cependant dans les cam-



pagnes, et y exercent leurs actes d'arbitraires. La loi martiale n'était pas proclamée, les troubles ne s'étaient pas encore déclarés d'une manière bien grave; et déjà des citoyens qui, dans la vie privée peuvent être irréprochables, dont l'active industrie suivie d'heureux succès est utile à la société, mais qui s'élançant avec trop d'ardeur et peu de lumières dans la vie publique, ont foulé aux pieds les lois de l'humanité et la loi écrite pour aller violer la sainteté du domicile de nombre de nos compatriotes inoffensifs et non accusés.

On s'était livré contre eux à des actes d'injustice qui pouvaient paraître excusables à la fureur de l'esprit de parti mais qui ne l'était point d'après le texte des lois. Il a été admis et reconnu officiellement que les agitateurs jusqu'à cette époque s'étant renfermés dans les bornes de la légalité, on ne pouvait les arrêter pour faire leur procès, à raison de leurs assemblées publiques et de la résistance civile et industrielle qu'ils organisaient contre la dilapidation du revenu public, envahi par l'Angleterre.

Ceux qui ont attaqué des maisons dans Montréal pourraient être poursuivis, si l'entrée dans les tribunaux n'était pas interdite à leurs victimes. C'est alors que les citoyens Desmarais et Davignon sont tyranniquement arrachés à leurs dominiles par l'emploi de la force brutalement exercée. N'ont-ils donc pas le droit d'exercer contre ceux qui agissaient ainsi envers eux une action en dommage? non; une loi exceptionnelle en faveur de ceux qui ont ainsi commencé la guerre civile, leur enlève ce que leur accordait le droit naturel, le cri de la justice et de la raison, la réparation du tort, par celui qui l'a commis. C'est bien; c'est une loi sociale, faite pour empêcher que les haines et les procès ne soient éternels. Mais puisque pour son repos, la société prive des citoyens de leur juste droit d'action en recours contre ceux qui les ont illégalement persécutés, que la société par un léger sacrifice d'argent, adoucisse l'intensité du mal qu'elle cause à quelques citoyens. Et après la proclamation de la loi martiale, est-ce qu'il n'est pas possible qu'il y ait eu des fautes, des actes criminels de commis par ceux qui étaient engagés à abattre la résistance, mais qui n'en étaient pas moins obligés d'être soumis aux lois de la raison et de l'humanité, aux lois de la guerre et de la discipline militaire, aux commandemens tu ne tueras point sans nécessité, tu ne voleras point. N'est-il aucun de ces hommes, qui, lorsqu'ils agissaient ainsi d'eux mêmes et sans autorités compétentes, ont pu commettre des crimes qui donneraient à ceux qui ont été persécutés le droit de les poursuivre? Combien de citoyens qui, sou (sic) le nom ... gentilshommes, parcourent nos rues le ... les tribunaux étaient ouvert à leurs victimes, seraient aujourd'hui justement poursuivis pour vols d'argents et de bijoux, ainsi que pour insultes faites à des femmes. Ce sont là des excès te (sic) des désolations qui dans tous les temps et dans tous les lieux accompagnent les discordes civiles. Chacun le sait; aussi n'éclatent-elles jamais, que lorsque les excès du pouvoir sont devenus excessifs.

Une foule de citoyens n'avaient pas pris part à l'insurrection. Leurs maisons, néanmoins, ont été pillées et brûlées. De longues suites de traînes ont à peine suffi pour apporter à Montréal tous les fruits de ce brigandage. Est-ce donc encore que toutes ces personnes qui ont souffert par suite des dévastations de ces pillards qui déobéissaient à la discipline qu'ils s'étaient engagés à observer en se mettant sous la direction de chefs militaires, n'ont pas droit à une indemnité comme celle qu'on a

proposé? Est-ce qu'il ne serait pas juste et de l'intérêt de tous les partis que nous venions en aide à ceux qui se trouvent ainsi avoir le plus souffert? Est-ce qu'il ne serait pas de l'intérêt de tous qu'il y eut possibilité que des hommes, qui sont appelés à se rencontrer tous les jours en société, pussent se dire: les passions du moment avaient porté cette personne trop loin, mais elle a réparé, autant que possible des maux auxquels des circonstances malheureuses ont donné naissance. La quote part des violences et du pillage a été beaucoup plus grande dans le parti vainqueur; sa contribution à réparer ces injustices sera très modique, puisqu'il est une infiniment faible minorité; mais il aura concours à établir un principe saint et protecteur pour eux et pour nous; c'est que même, lorsque l'on est allié des troupes anglaises, il ne faut pas aimer le pillage du Canada; il ne faut pas devenir maraudeur et non soldats, il ne faut pas l'incendie du pays, quand la résistance a cessé. Tous ensemble nous pouvons oublier les malheurs de cette époque néfaste?

M. l'orateur, nul autre pays constitutionnel, dans des circonstances semblables à celles où nous avons souffert, n'a été traité avec tant de barbarie. C'est le seul pays au monde où le droit criminel anglais étant en force, et ses cours de justice accessibles à tous, de nombreux citoyens; sous procès, sous le verdict d'un seul corps de jurés, ont perdu la vie, ont péri sur l'échafaud! Compatriotes infortunés; ils sont tombés victimes innocentes de la haine et des plus mauvaises passions. Ont-ils cessé, pour cela d'être chers à ceux qu'ils ont laissés derrière eux sur le sol de la patrie? Leur mémoire est chère au peuple canadien et le sera toujours! Ils sont morts en braves comme ils avaient vécu, répétant à l'envie les mots Dieu, mon pays, et sa liberté. Il faudrait bien peu de courage moral ou civil, pour ne pas applaudir au patriotisme constant dont ils ont donné la preuve éclatante.

M. l'orateur, on a prétendu excuser la longue suite d'injustices dont le Bas-Canada a souffert plus que toute autre province anglaise. La résistance du Haut-Canada est justifiée par les commissaires royaux à raison des torts que lui avaient fait subir ses derniers gouverneurs et le family compact. Ces torts étaient récents et légers comparativement à ceux du Bas-Canada, qui a plus longtemps souffert, parcequ'il a été plus loyal, trop loyal, aveuglement et servilement loyal. Dès le premier moment où le pays a été cédé à l'Angleterre, l'injustice a commencé et et n'a pas cessé un moment depuis de peser contre nous. Si nous avons ainsi été maltraités, est-ce, comme on l'a si perversement répété dans le cours de ce débat parceque les catholiques sont plus enclins à la révolte que les protestants. Hélas! non. Ils ne sont que trop endoctrinés à supporter en silence le poids d'une injuste oppression. L'Eglise gallicane qui, à quelque nobles exceptions près, servit le despotisme fastueux de Louis 14 et le despotisme cripuleux de Louis 15 avec une lâche complaisance, leur fit trop souvent entendre une doctrine aussi contraire à la liberté évangélique et à la dignité de l'homme que celle-ci: comme votre âme est à votre Dieu, votre corps est à votre Roi. Le peuple répétait pieusement et avec raison, mon âme est à Dieu et niaisement mon corps est au Roi. Il ne se conservait pas la faculté de faire usage des luminères de sa conscience et de sa raison. Il ne conserva point la faculté d'examiner si l'ordre donné au nom du roi, par les valets de ses valets, était juste ou n'était qu'un acte de tyrannie. Dans la métropole, les penseurs, les livres et les chansons sapaient repidement ceteffrayant



despotisme; mais obéissance aveugle, tel était l'enseignement immoral et dégradant d'une église asservie dans un trop grand nombre des membres du haut clergé, non dans la masse de ses théologiens, à l'époque où ce pays est devenu anglais. Quiconque a un peu de lumières, un peu de connaissances légales, sait que ces prétentions arrogantes sont des prétentions dégoûtantes. Elles furent aveuglément reçues par nos ancêtres, ainsi que le maxime qui en suit et que l'on voulut aussi faire adopter, "que le roi vainqueur est saisi de la plénitude du commandement sur le vaincu; que tout le mal qu'il ne lui fait point, est presque un acte de grâce." Quiconque a quelques lumières, quelque connaissance du droit de la nature et des sens, du droit public international, sait que ces prétentions sont des injustices qui n'appartiennent qu'à des nations barbares; que rien n'est changé à la condition des vaincus dont le pays est transporté dans des mains étrangères au moyen des traités.

A l'époque désastreuse de notre changement de domination, tous ceux qui avaient quelque bien, tous ceux qui dans la province possédaient quelque aisance et quelque éducation, plutôt que de supporter les malheurs prévus de la nouvelle condition qui leur était faite, se hâtèrent de passer en France, et il ne resta en Canada que la masse de ces bons et honnêtes cultivateurs et artisans à peu d'exceptions près. Ils ne surent pas dire la maxime consacrée entre tous les membres de la société chrétienne et civilisée, nous donne le droit de conserver tout ce que nous avons de bons (sic) dans les institutions passées; d'acquérir tout ce que nous trouverons de plus grandes libertés dans les institutions nouvelles. Mais c'est à nous de choisir. Appuyé sur la foi des traités, espèce de loi universelle, qui domine la loi spéciale de chaque état, rien ne sera changé à notre sort que de notre consentement. Non, ils ne connurent que l'obéissance passive et les malheurs qu'elle traîne toujours à sa suite: Aussitôt le funeste traité de cession signé, il a commencé à être violé dans le bouleversement universel de nos lois; dans l'établissement de cours pour administrer, sans actes du parlement qui le permettent, les lois Anglaises; dans (sic) l'exclusion générale absolue donnée alors aux Canadiens d'être nommés aux charges, parce que comme catholiques ils ne prenaient point le serment de suprématie. C'était l'effet de cette maxime bonne pour moitié, désastreuse, absurde pour la reste, mon âme à Dieu, bien; mais mon corps au roi, absurde iniquité. Cette maxime est celle de toutes les tyrannies exercées sans déguisements, et celle sous laquelle les Canadiens avaient été élevés. Quelle en a été la conséquence? C'est que tandis que les autres colonies anglaises se soustrayaient à la domination tyrannique de l'Angleterre, la Bas-Canada dans son aveugle loyauté se livrait pieds et mains liés à sa métropole (sic). En 1795 l'acte du timbre est passé. D'un bout à l'autre des colonies anglaises, les officiers du timbre sont immédiatement chassés, et le papier timbré, on en fit des feux de joie. Le Canada seul fait exceptions; en Canada seul l'oppression est organisée, le papier timbré est reçu et l'injustice est pratiquée impunément. Pourquoi? parce que nos pères avaient dans le coeur et l'entendement, la détestable, l'aveugle loyauté, que les tories, que l'opposition actuelle professe du bout des lèvres seulement, et avec la restriction passionnée, que, s'ils ne sont pas les maîtres, ils seront les rebelles. Bientôt après une agression plus directe est commencée contre les colonies aujourd'hui Etats-Unis d'Amérique. Elles se soulèvent, et gagnent une indépendance glorieuse. Il n'y a pas eu de résistance plus noble que celle des américains



en cette circonstance, d'hommes plus véritablement grands, plus vertueux que leurs rebelles, que ceux qui marchèrent à la tête de cette résistance, que les Washington et les Jefferson. Ils n'avaient justement tiré l'épée contre un pouvoir incomparablement moins oppresseur contr'eux, qu'il ne l'a toujours été, et l'est aujourd'hui encore, contre cette province. A cette époque la loyauté éclairé (sic) des Bretons qui se trouvaient à Québec, les empêcha de s'armer contre leurs frères des autres colonies; leur raison leur dit que la cause des américains était la leur et qu'elle était juste. La population anglaise resta donc les bras croisés, et à l'apparition d'Arnold sur les hauteurs de la Pointe de Lévi, elle s'assemble dans Québec et décide qu'à première sommation la ville devra capituler. Mais arrive le gouverneur Carleton dans la nuit, il réunit les canadiens mal conseillés par leur superstitieuse loyauté, leur fait décider qu'ils doivent se défendre, et se renferme avec eux dans Québec. La possession de Québec est la possession du Canada; son abandon, celui de la colonie, et s'il y avait eu chez les Canadiens une loyauté plus éclairée, il leur suffisait de se tenir à l'écart, de demeurer neutres pour que Québec se rendit, et que la longue suite d'oppressions qu'ils ont endurées en punition de leur erreur en 1775 jusqu'à ce jour inclusivement, n'eut pas lieu. Cette oppression a été la récompense de la loyauté outrée des canadiens-français qui a conservé à l'Angleterre un reste de domination en Amérique. Elle l'aurait vue disparaître complètement sans le dévouement des canadiens. L'Angleterre alors maîtresse de New-York et par ses flottes du littoral des Etats-Unis, la guerre eût été concentrée dans cette direction, et la France eût été entraînée plus vite à seconder les américains plus forts et délivrer de l'agression sauvage et anglaise dirigée contre tout l'intérieur des colonies anglaises.

Quelle a été aussi la récompense des services rendus à l'Angleterre par les canadiens en 1821? Chaque année amène de nouveaux actes de tyrannie, de nouveaux abus. Les gouverneurs s'emparent des revenus de la province. La Chambre proteste énergiqument, le peuple l'appuie; ses droits sont défendus par près de 80 représentants; ils ne sont trahis ou désertés que par huit représentants, le mal se continue jusqu'en 1837 d'année en année sans relâche, sans diminution. Toutes les formes sont foulées aux pieds par les gouvernements. Mais non, nous dit l'hon. membre pour la ville d'Hamilton, n'ont-ils pas eu l'autorisation de l'Angleterre? Le comte Dalhousie n'a-t-il pas été récompensé de ses services par la métropole? Ayant pris en petite quantité les argents des canadiens, il est envoyé piller en grands les argents du peuple des Indes! N'est-ce pas dire, M. l'orateur, que si l'on était au pouvoir, il suffirait d'un ordre de l'Angleterre, pour qu'on se crut justifié à commettre tel abus de pouvoir qu'il leur serait indiqué? L'hon. membre qui nous parle ainsi, a sans doute siégé dans quelque cours de justice. A-t-il été demandé au gouverneur comment il devait interpréter la loi? Ne se serait-il pas cru offensé, si un gouverneur se fut avisé de lui dire comment il devait décider une question de loi. Quelle différence y a-t-il donc entre les deux cas? Il n'y en a pas. Et le ministre de l'exécutif qui se laisse conduire par Downing-Street fait un acte aussi dégradant, aussi vil que le juge qui reçoit ses instructions d'un gouverneur.

Il est donc évident, M. l'orateur, que les honorable membres qui emploient cette ligne d'argumentation, ont été bien jugés par les autorités

qui les ont condamnés. Sur quoi se fondent-ils pour refuser leur appui à cette mesure. Ils se reportent en Irlande, en 97. Voilà où ils prennent leurs notions de droit public, où ils puisent leurs principes politiques. S'il y a un pays au monde dont il soit nécessaire d'étudier l'histoire pour éviter la tyrannie, c'est celui-là. Mais il n'y a rien à y étudier pour en faire l'application en Amérique. Tout dans l'histoire politique de l'Irlande est à condamner, à détester, mais rien à imiter.

Les membres de l'autre côté de la Chambre, M. l'orateur, ne devraient pas avoir d'objection à venir en aide à ceux qui ont souffert pendant une insurrection que leur orgueil et leur ambition démesurée ont seules causée. S'ils ont commis des excès, ils doivent chercher à réparer ces excès. Je ne comprends pas, je ne saurais concevoir un amendement comme celui qu'on propose, un amendement tendant à exclure de cette mesure de stricte justice les personnes mêmes qui méritent le plus cette indemnité; les personnes qui ont souffert, qui ont été pillées et incarcérées sans l'autorité d'aucune loi; qui n'ont subi aucuns autres jugements que les jugements arbitraires et vindicatifs des cours martiales. Il n'y avait pas l'ombre de droit, de raison pour traîner des citoyens respectables devant des cours martiales, six mois après que toute résistance eût cessée. Cette conduite est sans palliatif, et vouloir que le gouvernement refuse sa sanction à cette mesure, c'est vouloir lui faire donner la sanction de son autorité à des violences qui ont été depuis longtemps condamnées.

Quand dans le moment d'un soulèvement, des hommes agités par la crainte se livrent à des actes de violences, ils peuvent être excusés à cause des circonstances; mais quand tout trouble a cessé, que la paix règne dans le pays; quand dix jours après la bataille de St.-Denis, on se porte chez l'hon. membre pour le comté de Richelieu pour dérober le bien de ses créanciers et le voler lui-même, de quel prétexte pourra-t-on se servir pour ne pas lui accorder une indemnité qu'il ne pourrait manquer d'obtenir, si on lui laissait la liberté de se présenter à cet effet devant une cour de justice pour y dire: tel commandant des forces a agi contrairement au droit public; il m'a dérobé mon bien, je demande mon recours en dommage contre lui. Le commandant des forces aurait droit à son tour de s'adresser à l'Angleterre pour lui dire, l'emportement du moment m'a poussé trop loin, m'a porté à faire ce qu'il aurait été plus sage de ne pas faire; nous avons fait ce que nous avons cru nécessaire. Les cours m'ont condamné, je demande une indemnité de ceux pour qui je combattais. L'Angleterre alors ne pourrait manquer d'intervenir sur une semblable représentation. Elle sauvegarderait les officiers qui ont travaillé pour elle et tout le monde se trouverait à obtenir justice. C'est parce qu'on refuse l'entrée dans les cours de justice à ceux qui y ont droit, qu'il faut trouver moyen de leur venir en aide.

Une démarche de la nature de celle-ci se trouve justifiée par ce que qui s'est pratiqué dans tous les pays civilisés. Dans les moments d'insurrection il y a toujours des excès de commis indépendamment de la volonté des masses qui agissent. Les douleurs du moment ont-ils porté un peuple à résister aux empiètements d'un gouvernement tyrannique ou despote, c'est une glorieuse dévolution si elle réussit, c'est une misérable rébellion, si elle ne réussit pas. L'ensemble des choses veut néanmoins, bien souvent, que le nom des vainqueurs soit déshonoré, tandis que celui de vaincu passe glorieux à la postérité. Qu'on demande à l'Irlande si la longue suite de patriotes qui ont tout sacrifié dans son intérêt ne lui sont pas plus chers que ceux contre qui ils combattaient, et qui les oppriment et



les tyrannisent aujourd'hui. La mémoire des premiers sera toujours pour les Irlandais un sujet de vénération; celle des seconds sera pour les Irlandais un sujet d'exécration éternelle. Mais les hon. membres ne veulent rien apprendre des progrès et des lumières du jour. Eh quoi! les fils des Jacobins de Paris, les fils des membres du comité de salut public, viennent d'être sensibles à la voix de la justice, ils ferment eux l'oreille à la voix de la raison et de l'humanité. C'est quand le gouvernement français est abandonné entre les mains de la foule et qu'on leur dit faites honneur à votre pays, soyez miséricordieux envers ces ministres privaricateurs qui vous ont trahis et abaissés, qu'ils abolissent la peine de mort en matière politique. Ces sentiments de miséricorde, et de pitié sont descendus dans le coeur des Jacobins, et n'ont pû trouver place dans le coeur des hon. membres. (écoutez, écoutez.)

Ils ne sentent pas que par le bon exemple en 1848 par les fils des terribles Jacobins de la république, que par le bon exemple du peuple Français, c'est la populace de Paris qui est tellement améliorée qu'elle devient, pour ainsi dire, l'institutrice du gouvernement anglais, qu'elle enseigne la pitié et la modération à l'aristocratie Anglaise; que, bien probablement, Smith et Meagher auraient été sacrifiés en 1848 aux vengeances des lois sanguinaires de l'Angleterre, comme l'avaient été Emmet et la longue liste des patriotes martyrs (sic) pour l'Irlande en 1798, si les dernières classes de la France n'eussent pas été là pour stigmatiser la seule caste qui compte et qui gouverne en Angleterre, si elle eut osé aujourd'hui se montrer aussi vindicative qu'à l'époque de 98, si elle eut osé être aujourd'hui, plus sanguinaire que la populace de Paris (écoutez.) En exprimant des sentiments aussi inhumains, des idées aussi rétrogrades qu'en ont exprimés les membres de l'opposition, nous pouvons dire qu'ils se sont à jamais disqualifiés à prendre part au gouvernement du pays. Ceux qui cherchent ainsi leurs études politiques et leurs exemples de législation dans le pays le plus maltraité qu'il y ait au monde après nous; ceux qui choisissent les époques de redoublement de malheur et d'infortunés pour l'Irlande ou le Canada, pour nous dire que c'est ainsi qu'il faut les gouverner, ne doivent pas être destinés à posséder la confiance de peuples, comme celui du Canada ou plutôt ou plus tard à cause de sa situation en Amérique à jouir d'un gouvernement démocratique.

Tant d'exécutions illégales prononcées avoir été telles, par toutes les autorités dans la métropole; tant de transportations illégales déclarées avoir été telles par les autorités judiciaires en Angleterre; les punitions plus monstrueuses encore, infligées par un despote ivre d'orgueil, sans l'ombre, sans le semblant d'une procédure contre ceux qu'il punissait sans les avoir fait interroger; et une dévastation si étendue du pays, quand toute résistance y avait cessé depuis longtemps; un pillage organisé sur une aussi vaste échelle, suivie de l'interdiction de poursuivre comme incendiaires et voleurs, ceux qui n'étaient rien autre chose; sont des excès si exorbitants, si étrangers aux annales de toute autre société civilisée, que c'est moins pour les victimes que pour leurs persécuteurs, qu'il est désirable, infiniment désirable que les torts de ces jours de désordres soient pardonnés, oubliés et modiquement réparés. Ce sont ceux qui ont permis, ceux qui ont conseillé ces violences, ceux qui sont aussi fautifs que ceux qui les ont commises, qui doivent désirer qu'elle soient ensevelies dans l'oubli. La mesure sous considération est une mesure d'équité, de sage politique, de conciliation entre des citoyens qui, après avoir

combattu les uns contre les autres, sont destinés à vivre ensemble; à se rencontrer tous les jours dans des rapports d'affaires et de société.

La plus grande diversité d'opinions même les plus extrêmes, règne sans inconvénients dans les états où il y a de la moralité et de bonnes institutions, parceque la décision qui convient le mieux à l'époque et au pays, est avec sûreté pour tous, laissée à la libre délibération de représentants élus par de libres élections. Le recours à la force n'a lieu que dans les pays où une autre force a réprimé l'autorité de la raison commune, de l'opinion publique.

La danger de collision violente est infiniment diminué dans le pays. Les maux qu'elle a produits peuvent être calculés et déplorés. Le souvenir en est récent. Le parti qui a succombé a le plus souffert, mais son honneur est sauf. L'Angleterre y a perdu, dit l'opposition, trois millions. C'est peu de choses, c'est moins que rien, au milieu de sa dette inextinguible, irrachetable de douze cents millions. Mais elle a insulté aux lois de l'humanité; aux règles de son droit constitutionnel, à l'indépendance de ses juges. Son gouvernement civil a été enchaîné sous un despotisme militaire sans règle et sans frein. Dans la réunion de ces circonstances, son influence morale, son honneur et sa réputation sont bien plus profondément entamées, que sa fortune n'est amoindrie.

La résistance a éclaté, elle avait été provoquée par des abus de pouvoir qui l'ont justifiée, ou du moins excusée. Nul de ceux qui y ont pris part, et qui l'ont fait par amour de la justice, de la liberté et du Canada, sans ambitions personnelle, n'ont à rougir de l'avoir fait, quoiqu'ils déplorent les malheurs qui l'ont suivie. Une insurrection malheureuse peut laisser après elle des noms chéris et vénérés parmi ses victimes, des noms infâmes et odieux parmi ses vainqueurs. Demandez à l'Irlande si elle connaît des noms plus aimés et vénérés que ceux de Fitzgerald et d'Emmet; si elle en connaît de plus souillés de exécrés que ceux de Reynold et de Castlereagh.

Tous les plus odieux abus sont palliés, préconisés par l'hon. membre représentant d'Hamilton et par tous ceux de son parti. Le duc de Richmond a eu tort de prendre l'argent du pays sans le consentement de ses représentants, disons-nous. Mais vous n'y pensez pas, répondent-ils. Apprenez donc qu'il a eu l'approbation du secrétaire colonial. Eh bien! cela prouve que celui-ci ne valait pas mieux que celui-là, et ne prouve rien autre chose. Les comtes Dalhousie, Aylmer, Gosford, ont bien fait, disent-ils, de prendre, ils ont été excusés tout de même. De tous ces mauvais exemples applaudis par l'opposition, il n'y a rien autre chose à conclure, si non qu'elle ne doit jamais être portée au pouvoir, parceque quelque excès qu'elle y commettrait, si elle escamotait un compliment du bureau colonial, elle dormirait paisible et sans regret, sur les débris de nos droits violés, de nos libertés anéanties.

Cette défense est une doctrine toute serviel, professée par des hommes tyranniques. Les hon. membres ont presque tout monté comme juges de paix ou autrement dans quelque tribunal ou autre. Est-ce de l'opinion, des désirs connus ou soupçonnés des gouverneurs, ou bien de la lettre des statuts qu'ils se sont appuyés pour rendre leurs jugemens. Qu'ils trouvent donc dans quelques statuts impériaux ou provinciaux, le texte qui excuse des aveux aussi déshonorants que ceux qu'ils ont faits.

Mais tel n'est pas le cas. Le (sic) gouverneurs étaient rappelés la plupart malgré eux, quand l'excès du mal par eux commis rendait leur rappel



nécessaire. Il était un chagrin, une perte, une humiliation, une pilule amère pour eux, recouverte d'un bien mince vernis. Néanmoins ils promus à d'autres situations, comme le comte de Dalhousie envoyé aux Indes. Oui, mais non pas pour avoir mal gouverné ici; mais à cause d'influences par eux-mêmes, ou par des amis, que le ministre était forcé de ménager. Son vote et celui de quelques amis dans la chambre des Lords; le vote de ses créatures nommées par ses bourgs-pourris, pour la chambre des communes, la chance d'emporter n'importe quelle mince question qui concerne l'Angleterre, est de plus de poids, que le plus grand intérêt, que le plus juste et le plus profond mécontentement colonial, dans la nomination des gouverneurs. On laisse les gouverneurs influens aussi longtems que possible. Quand il n'y a plus à pallier leur torts, on les rappelle. L'on a néanmoins besoin de leur influence parlementaire. On les envoie en conséquence tourmenter quelqu'autre pays dépendant, sous la condition que leur procuration laissée au ministre, et leurs injonctions laissées à leur représentants asservis, lui donnent les voix de ceux qui n'ont pas besoin d'être présents, d'entendre les débats, de savoir ce dont il s'agit, pour voter dans la chambre des Lords; de ceux qui ont besoin de n'avoir ni honneur ni conscience, pour voter d'après le caprice de ceux à qui leurs suffrages sont vendus, dans la chambre des Communes. C'est là la constitution anglaise, également vantée par les tories et les libéraux canadiens, également méprisée dans cette partie de son système de corruption et de prépondérance aristocratique, dans tout le reste du monde civilisé. Quand l'on sait que c'est avant tout, la considération de l'influence parlementaire dont ils peuvent jouir, pour la décision d'intérêts métropolitains, qui détermine le choix des gouverneurs; que la considération des intérêts coloniaux n'entre pour rien dans ces jeux de hasard pour les colonies, de calcul pour et en faveur de l'Angleterre seule; quand les colons ne sont consultés en rien, n'ont aucune influence prochaine ni éloignée sur leur choix; je ne connais rien de plus avilissant, que la réception enthousiaste, que la cour assidu, que les saluts obséquieux, avec lesquels tous sont accueillis au jour de leur arrivée. La justice suit de près. Il n'en est pas un seul qui ait résidé quelques années en Canada, dont le jour du départ n'ait été un jour de joie et de contentement pour la grande majorité du peuple, qui dit, changer de mal, c'est soulagement. Tel a été le régime colonial dans sa vérité, dans tout le passé.

Il n'en sera plus de même avec le gouvernement responsable dirigé par les libéraux. Illusion. Ils n'ont obtenu le bill d'Union que par des moyens et pour des fins iniques. Ils le font fonctionner dans l'esprit et le poussent vers le but pour lequel il a été conçu. Ils ne sont à l'oeuvre que depuis peu d'années. Dans ce court intervalle, ils ont plus nuï à la cause de la liberté constitutionnelle par leurs artifices ou leurs erreurs; par le titre dont ils se sont décorés sans le mériter; que ne l'avait fait le parti tory, pendant sa longue et injuste domination. Avec une effrayante rapidité leur régime trompeur a créé l'ardeur à multiplier et à chercher les places, en remplacement de l'ardeur à les diminuer; a créé la soif de l'or en étouffant l'amour du pays et de désintéressement. Tout ce qu'ils disent avec tant de vertié, avec l'expression d'une si juste indignation contre la dilapidation du revenu public sans autorité suffisante, par les gouverneurs, les secrétaires coloniaux et les tories; tout ce qu'ils leur reprochent d'injuste agression, contre les droits du peuple du Haut-Canada; d'insultant dédain pour ses désirs connus et exprimés eux soi-disant libéraux en sont coupables à un plus haut degré contre le

peuple du Bas-Canada, dans leur criminelle alliance, avec les lords Durham et Sydenham; dans leur coupable et inconséquente approbation, de leur politique tyrannique, spoliatrice non seulement de beaucoup plus d'argent que ne nous en avaient inconstitutionnellement enlevé tous les autres gouverneurs ensemble, mais spoliatrice à jamais, non; mais du moins tant que nous serons colonie anglaise, de toute sécurité, pour les institutions, les lois, les biens et les personnes des habitants du Bas-Canada. Le texte des traités, celui du droit public constitutionnel de l'Angleterre et de cette colonie, ont été déchirés et dispersés par la force armée, par la violence des deux tyrans, et par l'appui qu'ont donné les prétendus libéraux à toutes les usurpations, de la dictature en délire, parce que tout cela leur était expédient; était voulu par les intérêts de leur parti, et pour l'acquiescement de leurs dettes. De quel poids pouvaient être en présence de telles considérations, les douleurs de six cent mille hommes habitués depuis quatre-vingt ans, à ne connaître pas d'autre régime que celui de l'injustice et de la partialité contre eux, et en faveur de tout ce qui n'est pas eux. Il fut expédient pour les libéraux d'être en un jour plus arbitraire et oppresseurs, que ne l'avaient été tous les ennemis des canadiens durant quatre-vingt ans; ils nous ont donné par là la mesure de leur moralité. Chaque fois qu'il leur paraîtra expédient d'être injustes à nos dépens, ils se copieront eux-mêmes. Nous les trouverons tels qu'ils se révèlent en ce moment même, quand ils se font les apologistes de Lord Durham, c'est-à-dire les bas flatteurs de celui qui le remplace en ce moment.<sup>77</sup>

L'hon. membre pour Sherbrooke s'est permis, M. l'orateur, quelques réflexions unjustifiables qui seraient propres à attrister le pays, si elles étaient venues de la part d'un agent du pouvoir; heureusement ce n'est que l'expression des ressentiments de personnes qui ne sont pas dans cette situation. Ce n'est qu'une suite de la pleine liberté des débats qui doivent accompagner toute discussion dans cette Chambre. Mais l'hon. membre doit se rappeler que pendant la suite d'années de libres discussions, pendant, lesquelles il a siégé dans le parlement du Bas-Canada; il n'a jamais entendu de remarques semblables à celles qui lui sont échappées aujourd'hui, de remarques que paraissent inspirées par l'esprit étroit d'intolérance religieuse et de bigoterie. Il sait que comme représentants de citoyens de toutes croyances, nous n'avons à nous occuper que de leurs droits politiques et civils égaux, et les mêmes sans distinction religieuse aucune. Il a dit qu'il y avait dans ce pays, des taxes protestantes et des taxes catholiques. Or, il aurait du savoir qu'il n'existe dans ce pays qu'une seule taxe religieuse, et que c'est l'injustice et l'Angleterre qui nous l'a imposée; c'est la septième partie de terre que s'est réservé le gouvernement pour concilier les hommes d'église. Il n'y a pas d'autres taxes religieuses dans les pays. La taxe à laquelle il a fait allusion, est prélevée pour la dépense commune et dès lors pour des fins civiles et politiques. Il est douteux qu'elle soit légalement prélevée. Ce que les anglicans auraient payé à leur évêque, les gouverneurs l'ont reçu, puis maintenant c'est la province, mais pour des fins civiles. L'hon. membre nous a dit qu'il avait vu quelques habitants protestants de la Pointe-Claire, qui se plaignaient de ce que la loi d'éducation ne leur était pas favorable, de ce qu'ils n'avaient pas d'écoles protestantes à leurs portes; que puisqu'il y avait des droits de prélevés sur les licences de mariages parmi les protestants. Eh! bien,



M. l'orateur, lui qui avec raison se réserve une si pleine liberté de sentiments; une si simple latitude quand à ses opinions religieuses, avec la juste prétention qu'il conserve pour lui-même, comme je me la réserve pour moi, que quelques soient nos opinions religieuses, nous n'avons à en rendre compte à aucun autre homme; lui, avec ses connaissances et son éducation soignée, au lieu d'éponger et d'absorber les idées étroites, les préventions intolérantes de quelques hommes qui se plaignaient à tort, lui loin de se laisser catéchiser par des ignorants ne devait-il pas les catéchiser et les convertir à ses sentiments de tolérance. Il eut dû s'attacher à les éclairer, au lieu de les laisser dans leur erreur. Il devait leur dire franchement, qu'en ce pays, le gouvernement est très indépendant de toute influence ecclésiastique (écoutez) catholique surtout. Que le gouvernement métropolitain n'étant protestant, et les représentants coloniaux ayant à sa connaissance personnelle été constants à veiller au maintien de tous également; ils ne devaient point craindre que les écoles fussent ouvertes dans un but de prosélytisme catholique. Il devait leur dire: la loi vous donne l'avantage de vous réunir, si vous le voulez, pour vous donner des maisons d'éducation à part, mais si vous n'êtes dans une grande paroisse que quinze à vingt familles protestantes, très éparses, diséminées sur une vaste surface, vous ne pouvez pas réunir vos enfants dans une école commune, vous n'avez pas le droit d'avoir un instituteur dans chaque maison; vous n'avez pas le droit de vous plaindre, vous êtes assez protégés par l'esprit de tolérance qui règne partout dans le pays.

S'il existe quelques abus dans notre système d'éducation, plaignez-vous en, et vous verrez immédiatement les représentants de toutes croyances, les canadiens comme les anglais venir à votre aide, et tous d'une seule voix reconnaître que l'enseignement en vue de prosélytisme, ne doit pas être toléré dans une société mixte comme l'est celle de la société canadienne; dans des écoles aidées par le revenu public, prélevé sur des sujets de croyances diverses. Il n'y a pas ici de taxes qui aient le caractère religieux.

L'hon membre a fait allusion à la circonstance qui veut que les catholiques donnent à leurs évêques, une somme modique en quelques rares occasions d'empêchement catholiques à leurs mariages, pour cause de parenté. C'est parce que ces sommes sont sans importance que la loi n'y doit pas faire attention; c'est aussi parce que les évêques les emploient et ne peuvent les employer qu'à des oeuvres de charité et de bienfaisance, qu'il est très juste de leur en laisser la distribution. Les lois canoniques qui leur permettent de recevoir ce droit de componende, leur doit un devoir de le consacrer au soutien des pauvres et des hôpitaux. Le montant de ces sommes ne peut pas être considérable.

Je crois donc, M. l'orateur, que dans cette occasion, l'hon. membre aurait rendu service à ceux qui lui ont fait part de semblables idées, s'il se fût donné la peine de les désillusionner au lieu de prêter quelque retentissement et quelque importance à leurs vues étroites, en venant nous faire part.

Maintenant je me permettrai quelques remarques sur un autre sujet. Les hon. membres libéraux qui ont si fort exalté les extraordinaires mérites de lord Durham, sont bien en contradiction avec leurs principes et leurs professions d'amour pour la légalité et la liberté, de haine pour la conduite tout arbitraire du parti tory. Ils lui sont reconnaissants parce qu'il a suivi leurs inspirations sur ce qu'ils ont appelé le gouverne-

ment responsable avec des vues et des définitions toutes disparates les unes des autres; parce qu'il leur est venu en aide pour faire payer leurs dettes, par ceux qui ne les avaient pas contractées; parcequ'à leur prière et réquisition il nous a imposé l'acte d'Union. Ils ne peuvent pas se permettre l'éloge de cet homme sans blesser profondément l'honneur et la sensibilité du Bas-Canada. Qui ne connaît de lui que son arrogance et l'odieuse tyrannie de ses ordonnances nulles et illégales; et par l'acte d'Union décrété contre eux dans le but de les écraser. De semblables éloges en faveur de cet émissaire royal, parcequ'il les a mis à même de nous faire subir un grande injustice, prouvent que quand l'injustice doit leur profiter ils sont tout aussi peu scrupuleux contre nous, que les tories le furent peu contre eux. Je leur apprendrai s'ils ne le savent pas, qu'en admettant qu'il aurait été admirable et admiré en Europe, tandis que j'ai de bonnes raisons pour croire le contraire; je leur apprendrai que le peuple de cette province est loin de partager leurs opinions à son sujet; que lorsqu'il était à Québec, il a entendu s'élever contre ses projets les plaintes les plus justes de la part des citoyens, assemblés sous ses fenêtres. Son projet était arrêté longtemps avant son départ d'Angleterre. Sa nomination à la charge de gouverneur du pays, était due à l'influence accidentelle de l'un de ses parents, funeste auteur de tout le mal qui a fondu sur le Canada. La circonstance fortuite que celui-ci y avait une grandre (sic) seigneurie, a fait supposer qu'il le devait bien connaître, et ses opinions nulles et sans poids pour ce qui touchait aux intérêts de l'Angleterre, étaient toutes puissantes pour ce qui touchait au Canada, inconnu, éloigné, dédaigné. Il avait appuyé dès 1822 le projet du bill d'Union, il avait continué ses liaisons avec les comités constitutionnels de Montréal et faisait choisir lord Durham pour leur assurer gain de cause. Celui-ci avant son départ d'Angleterre écrivait aux ministères; je serai auprès de vous sous peu de temps avec mon projet, pour le soutenir et le défendre, à ma place, dès la prochaine session. Sa leçon était faite, son parti était pris, son plan préconçu était arrêté. Il venait ici bien décidé à nous imposer cette mesure qu'il savait répugner au pays tout entier.

Les hon. membres n'ont pu ignorer aucune de ces circonstances. Ils avaient eux-mêmes voté, c'est-à-dire le parti libéral avait voté dans le dernier parlement, avant l'arrivée de lord Durham, dans la proportion de deux contre un, contre le projet d'Union. Il n'a fallu rien moins qu'une corruption effrénée, et les déclarations réitérées d'un politique aussi immoral que le fut après lui lord Durham que quiconque ne l'appuyait perdait leurs places, pour les avoir fait sitôt changer d'opinion. Aux uns il disait (qui pourrait croire qu'il y eut quelque homme capable de se laisser influencer par une si pauvre considération) si vous n'acquiescez pas à cette mesure l'Angleterre fatiguée de vos plaintes incessantes retirera ses troupes du pays, et vous abandonnera à la discrétion des rebelles; à d'autres, il disait toute contradiction à mon plan est inutile; sir Robert Peel qui, l'an dernier, s'est opposé au projet de l'Union des Canadas, je l'ai vu, et aujourd'hui il admire ce projet; toute résistance est inutile. Voilà ce qu'il disait, et quelques semaines après arrivait le démenti le plus formel de la part de sir Robert Peel, qui disait: cet homme, je ne lui ai jamais fait part de mes opinions à ce sujet, il ne les connaît point, mais puisque le ministère persiste à présenter ce bill, qu'il en porte la responsabilité. Ce n'est pas sur une question coloniale que j'entrerais en lutte contre lui. C'est à ces artifices de lord Sydenham,



à l'avidité et à l'asservissement des libéraux du Haut-Canada qu'est du notre acte d'Union; acte inique que le pays souffre transitoirement parcequ'il ne peut pas l'empêcher, parce que l'on n'a pas fait dans le district de Montréal les mêmes efforts méritoires qui ont été fait dans les autres districts, dont il ne cessera jamais de demander la révocation et dont les auteurs connus et dénoncés, lui seront toujours odieux.

Je crois, M. l'orateur, que si l'on ne change pas l'état de la question, si l'on ne dénature pas le sens de ce bill, qui n'est pas pour récompenser la rébellion, comme le répète, sans le croire, l'opposition, uniquement pour allumer des passions mauvaises, comme si de son aveu elles étaient les seules qui puissent lui profiter, si l'on veut se refermer dans les justes bornes de la question qui nous occupe, on verra qu'il n'existe pas de motifs raisonnables de faire remettre la considération de cette mesure. Elle a été commencée dans les parlements passés et attendue dans celui-ci. S'il y avait quelques difficultés, ça ne serait pas sur la question en elle-même, elle n'en souffre pas; ça serait sur les détails du bill, sur son principe. Quoique j'approuve décidément les résolutions quand à leur but tel que je l'explique, je n'approuve pas le plan du cabinet pour effectuer cette mesure. Je crois qu'elle ne pourra être qu'infiniment peu utile à ceux qui ont souffert. Des débentures rachetables après vingt ans sont un plan onéreux pour le public qui, au lieu de payer £100,000 en payera £220,000 à des agioteurs, à des usuriers; ruineux pour les personnes que nous voulons aider, et qui au lieu des £100,000 que nous leur promettons, ne recevront pas le quart de cette somme.

Les usuriers sont là prêts à profiter avant tout de cette mesure. Ces débentures finiront par tomber à dix pour cent de leur valeur nominale. Je crois qu'un plan plus judicieux que celui d'émettre ces débentures eu été d'approprier une partie du revenu public, disons au montant de vingt mille louis pour payer instantanément après liquidation, toutes réclamations modiques; puis une affectation de 10 à 12 mille louis par an garantie aux prêteurs, vous donnerait de suite par emprunt la somme nécessaire pour payer la totalité des créances admises, pour pertes causées par la rébellion. Dans huit ans les prêteurs seraient remboursés, la province aurait payé moins de £20,000 d'intérêt. Dans votre plan vous en faites payer £120,000 six à sept fois autant que par le mien, qui satisfait en entier les victimes de nos troubles indistinctement loyaux et autres, tandis que vous ne leur donnez rien, que de stériles promesses.

Par cette opération, la mesure projetée profiterait à ceux qui le méritent, non pas aux spéculateurs qui n'ont pas souffert. Donnez moins pour les travaux publics, ou ayez même recours à de nouvelles taxes, si vous le croyez possible, ce qui est bien difficile, parce qu'elles sont déjà aussi élevées que le permet la sûreté du revenu du public, qui, si ou (sic) élevait encore les taxes, serait probablement ruiné par la contrebande.

Je ne vois pas pourquoi cette suggestion ou quelqu'autre de pareille nature, ne serait pas adoptée. Toute me paraît préférable à des emprunts à longs termes. Ils sont exposés à tant d'éventualités qu'il sont vendus cher, ou ne peuvent s'effectuer, et ils achèvent de tuer notre crédit expirant.

Le Haut-Canada répète avec une infatigable persistance et cherche à faire valoir avec beaucoup de sophisme, l'idée que nous ne devons pas nous plaindre de la distribution des douze millions de piastres, parce

que disent-ils la confection des canaux de la province supérieure a été aussi utile à une province qu'à l'autre. C'est un sophisme misérable, une erreur injustifiable. Une très petite partie des sommes qui ont été consacrées à la confection de ces canaux, employée à améliorer nos chemins publics eut pû être très utile à la masse de nos cultivateurs et donner beaucoup de valeur à leurs propriétés et à leurs produits, comme les canaux l'ont fait pour le Haut-Canada. Là c'étaient les rapides qui diminuent la valeur des produits, ici ce sont les ornières qui diminuent la valeur des notres. L'on a que par la canalisation du Haut-Canada ses rapides et par l'absorption de tout le revenu l'on a laissé ses ornières au Bas-Canada. Depuis que les travaux de canalisation ont été opérés, le Haut-Canada seul en a profité. Le prix de ses grains a doublé dans une grande partie de sa province. Quel avantage en a retiré le Bas-Canada? Le seul avantage que le Bas-Canada en a retiré ne consiste qu'à avoir dans Montréal quelques journaliers de plus qui gagnent leur écu par jour pendant une petite partie de l'année, mais le prix des grains n'a point augmenté pour le Bas-Canada, comme il l'a pour le Haut. Celui-ci devait donc payer en proportion de l'avantage qu'il en retirait.

Les chemins ont été améliorés dans Montréal et ses environs; c'est très bon pour favoriser les promenades des habitants de la ville, mais pour nos cultivateurs, c'est inutile, c'est nuisible même à tous ceux qui sont au-delà de la portion améliorée des routes. C'est une cause de taxe de plus qu'ils ont à payer inutilement pour eux. A deux à trois lieues de Montréal, les chemins sont impracticables. On ne peut donc arriver à la ville qu'avec une demie-charge; et c'est l'obligation où est notre cultivateur de payer son entrée à la ville pour cette demie-charge, qui rend sa condition pire qu'elle n'était auparavant. C'est dans ce sens là qu'il ne faut pas se laisser tromper par les prétendus grands avantages qu'on nous dit devoir retirer de cette canalisation qui après sa quatrième année d'essai est moins profitable qu'elle ne l'a été dans la seconde année. Il en est de même de tout ce qu'on a dit pour excuser l'acte d'Union. Les libéraux qui l'ont sollicité pour leur avantage exclusif, en sacrifiant partie de leurs droits et les notres en entier, pour applaudir à l'usurpation de l'Angleterre, disent ce sont deux soeurs-provinces qu'on a voulu unir pour les rendre plus fortes. Mais en quoi l'Union nous a-t-elle rendu plus puissants, quel bien nous a-t-elle fait? L'animosité dans cette Chambre, l'animosité virulente que l'on excite dans le public; l'appel aux armes qui sert de préambule aux assemblées publiques, le fol espoir d'influer sur notre décision par ces menaces sont-ils des éléments de force? Non; mais elle nous a procuré l'avantage du gouvernement responsable; le gouvernement responsable est une suite de l'Union. Il a été concédé sans idée fixe de ce qu'il serait, par suite du fait reconnu que le système ancien de gouvernement ne pouvait plus fonctionner; était avili et répudié par le pays; que le progrès de l'opinion démocratique dans le Bas-Canada ne nous permettrait plus de supporter l'ancien ordre de choses; et que dans le Haut-Canada, les luttes des partis, quoiqu'elles n'eussent pas été engagées en vue de réformes réelles et profondes, avaient excité des rancunes si haineuses entre des hommes qui se disputaient le pouvoir, que le gouvernement du jour ne pouvait plus les apaiser. Le cri de ralliement du parti le moins coupable, était gouvernement responsable. Il leur a été concédé. Jusqu'à présent, il n'a été et n'est rien autre chose, que l'ancienne et frivole querelle des deux



partis qui veulent se supplanter; l'Union bien loin de remédier à tous ces inconvénients de notre ancienne constitution, n'a fait que les croître. Il s'en suit que tout naturellement la séparation des provinces sera, avant longtemps, demandée dans leur intérêt mutuel avec une égale ardeur. Le pays n'en a rien retiré ou n'en peut retirer aucun des avantages qu'on lui avait dit devoir en découler. Le pays devient chaque jour de plus en plus en droit d'exiger des réformes sérieuses et réelles par l'extension du système électif; et c'est parce que l'Angleterre s'affaiblit tous les jours de plus en plus en Amérique; c'est parce que le système actuel est insuffisant, contraire aux intérêts des habitants des deux provinces; c'est parce que l'émigration est continuelle tant du Nouveau Brunswick que des deux pour aller chercher de meilleures institutions et plus de chance de succès aux Etats-Unis, que l'Angleterre sera obligée, soit que les provinces restent réunies ou séparées, non seulement de ne pas leur ôter le gouvernement responsable sans leur consentement, mais de leur laisser adopter tel système de liberté de plus en plus grande qu'il leur semblera bon de choisir conjointement ou séparément. C'est par suite de ces considérations, c'est par suite de l'aigreur qui a accompagné le débat sur cette question, que je dis que toutes les discussions dans la législature unie forcément prennent un caractère blâmable d'antipathies nationales, qu'elles seront des appels malheureux et réitérés aux préjugés nationaux et de races; l'amour de la liberté et le soin d'en bâter (sic) le développement se perdra dans cette lutte regrettable. En vue de ces dangers, je répète qu'il est dans notre intérêt mutuel d'en venir le plus tôt possible à une séparation, que j'appuierai toujours à quelque parti, ministère ou opposition, qu'appartiendra le mérite de la proposer le premier. Les débats sur cette question instruisent de plus en plus rapidement tous les hommes pensants qui ont à coeur la paix et les progrès des Canadas des mauvais effets de l'Union; me confirment de plus en plus que chaque fois qu'il s'agira d'une question d'intérêt pour le Bas-Canada, l'on verra chez les membres du Haut-Canada se renouveler l'expression des vues étroites que nous les avons entendus exprimer depuis deux ou trois jours que dure cette discussion.

En terminant, je dois dire que les dépenses énormes de canalisation dans le Haut-Canada, ont nui même au peuple du Haut-Canada sous quelques rapports au moins, ont nui surtout aux émigrés qui vont s'y établir, en donnant à la compagnie des terres, les moyen de les vendre à des prix bien plus élevés qu'ils ne les auraient vendues autrement. Cela a empêché l'émigration de s'y établir. Pendant que les canaux se creusaient elle s'y fixait. Ce gain cessant, le haut prix des terres l'a poussé chez les américains. Cette mesure a ainsi donné de grands profits au monopole des compagnies établies dans la province supérieure parce qu'on a cédé à l'usurpation du parlement impérial sur les attributions des parlements provinciaux; parce que nous sommes tous ensemble obligés de souffrir parmi nous des compagnies encouragées dans leurs exactions par des autorités étrangères, habituées dans la métropole à dédaigner les besoins et les souffrances des travailleurs.

Tout ce que j'ai dit jusqu'ici suffira, pour me justifier de dire qu'on ne peut donner aucune raison valide pour ajourner les débats sur cette question. Elle ne comporte aucune injustice, elle ne peut n'avoir aucun désavantage appréciable pour l'autre partie de la province. Ce n'est de sa part qu'un bien minime accompagné en compensation des injustices dont elle s'est rendue coupables envers nous, et qui tend à rendre plus supportable

la position qu'on nous a faite. Je donne de tout mon coeur, mon concours aux résolutions que nous soumettent les ministres, parcequ'elles consacrent un principe que tous les libéraux doivent admettre comme juste et équitable.<sup>78</sup>

MR. AT. GEN. BALDWIN rose and said, that seeing no prospect of the debate being terminated that evening, he moved that it be adjourned until to-morrow.<sup>79</sup>

Mr. Baldwin's motion was put and carried.<sup>80</sup>

(93)

*On motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Cauchon,*

*Ordered, That the Debate be further adjourned until to-morrow, and be then the first Order of the day.*

*Orders Ordered, That the remaining Orders of the day be deferred. postponed until to-morrow.*

*Then, on motion of Mr. Cauchon, seconded by the Honorable Mr. Attorney General Baldwin,*

*The House adjourned.*



FOOTNOTES: 19 FEBRUARY 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 21 February 1849; and PILOT, 21 February 1849; and PRINCE EDWARD GAZETTE, 2 March 1849, and LA MINERVE, 19 February 1849, noted the debate.
2. PILOT, 21 February 1849.
3. MONTREAL GAZETTE, 21 February 1849.
4. IBID.
5. PILOT, 21 February 1849.
6. IBID.
7. IBID., which added a note that "Certain events that occurred during last session during the evidence of Mr. George Brown on the Vansittart case being doubtless fresh in his memory--((Col. Prince)) rose with some warmth...."
8. PILOT, 21 February 1849.
9. IBID.
10. IBID.
11. The debate on this matter was reported by: MONTREAL GAZETTE, 21 February 1849; LA MINERVE, 15 March 1849; PILOT, 21 February 1849, GLOBE, 28 February 1849, in a shorter account, and BROCKVILLE RECORDER, 1 March 1849, which had an abbreviated account in Papineau's speech, in identical accounts; PRINCE EDWARD GAZETTE, 2 March 1849; and L'AVENIR, 28 February 3, 7 March 1849. LA MINERVE, 22 February 1849, and LE JOURNAL DE QUEBEC, 22 February 1849, noted the debate, as well as GLOBE, 21 February 1849, MORNING CHRONICLE, 21 February 1849, and BRITISH COLONIST, 23 February 1849, in identical accounts. A commentary may be found in PRINCE EDWARD GAZETTE, 9 March 1849.
12. PRINCE EDWARD GAZETTE, 2 March 1849.
13. MONTREAL GAZETTE, 21 February 1849.
14. PILOT, 21 February 1849.
15. MONTREAL GAZETTE, 21 February 1849.
16. PILOT, 21 February 1849.
17. MONTREAL GAZETTE, 21 February 1849.
18. PILOT, 21 February 1849.
19. MONTREAL GAZETTE, 21 February 1849.
20. IBID.
21. IBID.
22. PILOT, 21 February 1849.
23. MONTREAL GAZETTE, 21 February 1849.
24. PILOT, 21 February 1849.
25. MONTREAL GAZETTE, 21 February 1849.
26. PILOT, 21 February 1849.
27. IBID.
28. PRINCE EDWARD GAZETTE, 2 March 1849.
29. PILOT, 21 February 1849.
30. IBID.
31. MONTREAL GAZETTE, 21 February 1849.
32. PILOT, 21 February 1849.
33. IBID.
34. MONTREAL GAZETTE, 21 February 1849.
35. PILOT, 21 February 1849.
36. IBID.
37. PRINCE EDWARD GAZETTE, 2 March 1849.
38. PILOT, 21 February 1849.
39. IBID.

40. IBID.
41. IBID.
42. IBID.
43. PRINCE EDWARD GAZETTE, 2 March 1849.
44. MONTREAL GAZETTE, 21 February 1849.
45. PRINCE EDWARD GAZETTE, 2 March 1849.
46. PILOT, 21 February 1849.
47. PRINCE EDWARD GAZETTE, 2 March 1849.
48. IBID.
49. PILOT, 21 February 1849.
50. PRINCE EDWARD GAZETTE, 2 March 1849.
51. PILOT, 21 February 1849.
52. PRINCE EDWARD GAZETTE, 2 March 1849.
53. IBID.
54. PILOT, 21 February 1849.
55. PRINCE EDWARD GAZETTE, 2 March 1849.
56. PILOT, 21 February 1849.
57. PRINCE EDWARD GAZETTE, 2 March 1849.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. MONTREAL GAZETTE, 21 February 1849.
65. PRINCE EDWARD GAZETTE, 2 March 1849.
66. MONTREAL GAZETTE, 21 February 1849.
67. PILOT, 21 February 1849.
68. IBID.
69. MONTREAL GAZETTE, 21 February 1849.
70. GLOBE, 28 February 1849. The GLOBE is used here instead of the illegible PILOT.
71. MONTREAL GAZETTE, 21 February 1849.
72. GLOBE, 28 February 1849.
73. MONTREAL GAZETTE, 21 February 1849.
74. GLOBE, 28 February 1849.
75. MONTREAL GAZETTE, 21 February 1849.
76. IBID.
77. L'AVENIR, 28 February 1849. The ellipsis represents an illegible word.
78. L'AVENIR, 3 March 1849.
79. MONTREAL GAZETTE, 21 February 1849.
80. IBID.



TUESDAY, 20 FEBRUARY 1849.

(93)

Montreal  
High School.

MR. SPEAKER laid before the House, a Statement of the Property of the High School of Montreal, and of the Revenue and Disbursements for the year ending 31st July 1848, pursuant to the Act 8 Vic. c. 104.

Appendix (N. N.)

For the said Statement, see Appendix (N. N.)

Montreal City  
and District  
Savings Bank.

And also, Statement of the Affairs of the City and District Savings Bank of Montreal, received in conformity to an Order of the House, of the 25th ultimo.

Appendix (P.)

For the said Statement, see Appendix (P.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Davignon,--The Petition of Joseph Courtemanche and others, of the County of Rowville.

By Mr. Flint,--The Petition of the Municipal Council of the District of Victoria (Municipal Council Bill).

By Mr. Marquis,--The Petition of the Municipal Council of Kamouraska (Municipal Councils).

By Mr. Polette,--The Petition of John Keenan and others, Officers and Members of Fire Companies.

By Mr. Fourquin,--The Petition of Léon Rousseau, Esquire, and others, of the County of Yamaska.

By Mr. Wetenhall,--The Petition of the Municipal Council of the District of Gore (Municipal System); and the Petition of Frederick C. Capreol, of the City of Toronto.

By Mr. Fergusson,--The Petition of James Cowan and others, of the Township of Waterloo, District of Wellington; and the Petition of John Frost, Esquire, and others, of the District of Simcoe and Wellington.

By Mr. Holmes,--The Petition of the Honorable James Ferrier and others, Directors and Stockholders of the High School of Montreal.

Petition of W.  
Stewart and  
others;

Ordered, That the Petition of William Stewart and others, of the Township of Nepean, District of Dalhousie, be referred to the Standing Committee on Standing Orders.

Of the Revd. A.  
Racine and others,  
referred.

Ordered, That the Petition of the Reverend Antoine Racine and others, of Stanford, and other places in the District of Three Rivers, be referred to the Select Committee appointed to enquire into the causes of Emigration from Canada to the United States, and other references.

Education Re-  
port (L. C.)

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Report of the Superintendent of Elementary Education of Lower Canada, for the year 1848.

Appendix (O. O.)

For the said Report, see Appendix (O. O.)

Ordered, That the said Report be printed for the use of the Members of this House.

A. B. Papineau.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 8th instant, praying him to be pleased to cause to be laid before them, Copies of any petitions, papers and correspondence (in addition to those already on the Journals of the House) that may be in the possession of the Executive Government, relative to the dismissal of A. B. Papineau of St. Martin, Esquire, as well previous as subsequent to his dismissal from the Magistracy of the District of Montreal, and other offices of trust and honor under Her Majesty's Government, and explanatory of the causes of his said dismissal.

Appendix (P. P.)

For the said Return, see Appendix (P. P.)

Ordered, That the said Return be printed for the use of the Members of this House.

Revenue and Expenditure.

Ordered, That it be an Instruction to the Select Committee to which are referred the Public Accounts for 1847, and the Accounts of the

Trinity House of Quebec, to make or procure, or cause to be made, if practicable, a General Statement of the Annual Revenue and Expenditure of this Province, from the period of the Union of the late Provinces of Upper and Lower Canada, to the end of the year 1847, shewing the gross amount collected, from what sources, and under what authority; the net amount after deducting the expenses of collection, and the expenditure classified under different heads; and to report the same to the House.

Adjournment.

Resolved, That this House will, at the rising of the House this day, adjourn till Thursday next (to-

morrow being Ash-Wednesday).

Aliens Naturalization Bill.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to repeal a certain Act therein mentioned, and to make better provision

for the naturalization of Aliens.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Emigration Bill.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to amend the Emigration Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.<sup>1</sup>

Petitions of J. Clark.

Ordered, That Mr. Beaubien and Mr. Armstrong be added to the Select Committee to which were referred the two Petitions of John Clark, Esquire, on

behalf of the Niagara District Agricultural Society.



Ordered, That the said Committee have leave to report from time to time, by Bill or otherwise.

Official Notices  
Bill.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to provide for the insertion of certain Official Notices in the

Canada Gazette only.

(94)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Sheriff of the  
Niagara District.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 15th instant, praying that His Excellency would be pleased to cause to be laid before them, all Papers connected with the Securities given by the Sheriff of the Niagara District to the Government, having reference to his office of Sheriff.

By Command,

J. LESLIE,  
Secretary.

Provincial Secretary's Office,  
20th February 1849.

Niagara, 1st August, 1848.

Sir,--In fulfilment of the directions of the Statute 3 Will. 4, c. 8, sec. 19, I have the honor to report, for the information of His Excellency the Governor General, that the Sheriff of the District of Niagara hath omitted to give and renew his Security, as required by that Act, and that his former Covenant expired on the ninth day of July last.

I have, &c.  
(Signed,) E. C. CAMPBELL,  
Chairman Quarter Sessions,  
Niagara District.

The Honorable R. B. Sullivan,  
Secretary, &c. &c.  
Montreal.

Secretary's Office,  
Montreal, 8th August, 1848.

Sir,--I have the honor, by command of the Governor General, to inform you that the Judge of the Niagara District Court has reported to His Excellency, that you have omitted to give and renew your Security as Sheriff of that District, as required by the Act 3 Will. 4, c. 8, and that your former Covenant expired on the 9th July last.

I am directed by His Excellency to request that you will furnish me with an explanation of the cause of this omission, for His Excellency's information.

I have, &c.  
(Signed,) E. A. MEREDITH.

Wm. Kingsmill, Esquire,  
 Sheriff of the Niagara District.  
Niagara, C. W.

---

Sheriff's Office,

Niagara, 8th August, 1848.

Sir,--Having been reminded by the Chairman of the Quarter Sessions, that the period for renewing my Securities has arrived, a circumstance inadvertently lost sight of, I have the honor to state, that no time shall now be lost in complying with the requirements of the Statute.

I have, &c.

(Signed,) W. KINGSMILL,  
 Sheriff Niagara District.

The Honorable  
 The Secretary of the Province.

---

Sheriff's Office,

Niagara, 16th October, 1848.

Sir,--I have the honor to inform you, that the Securities, required by law, for the due performance of my office as Sheriff of the Niagara District, have been disposed, as required, in the Office of the Clerk of the Peace, to be approved by the Magistrates in Quarter Sessions assembled.

I have, &c.

(Signed,) W. KINGSMILL,  
 Sheriff Niagara District.

The Honorable  
 The Secretary of the Province,  
 &c. &c. &c.

Mem.--Mr. Kingsmill's former Bond is dated the 10th July, 1844, and stated to be good until the 9th July, 1848.

The new one is dated 10th July, 1848. The Securities however agree to be liable from the 9th July.

The same is the case with the Covenant, which is not approved by the Magistrates in Session until the 19th January, 1849. J. C.

Stormont Election. On motion of Mr. Jobin, seconded by Mr. Morrison,

Ordered, That the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Stormont, have leave to adjourn until Thursday next.

Rebellion  
Losses, (L. C.)

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was, on Tuesday last, proposed to be made to the Question, That the Order of the day for the House in Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada during the Political Troubles of 1837 and 1838, and of providing for the payment thereof, be now read;

And which Amendment was, That the words "now read" be left out, and the words "postponed for ten days, to give time for the expression



*of the feelings of the Country," added instead thereof.*

*And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.*<sup>2</sup>

MR. AT. GEN. LAFONTAINE.<sup>3</sup>--Il me sera permis, j'aime à le croire, de réclamer un moment l'attention de cette chambre. Loin d'imiter la conduite des membres de l'opposition en faisant un appel aux plus mauvaises passions de la nature humaine, je me contenterai et me ferai un devoir de replacer la question sur son terrain véritable. Je le ferai dans un langage bien différent de celui des mes adversaires; ce sera mon langage ordinaire, langage dont je n'ai jamais eu et n'aurai jamais à rougir.

J'ai deux propositions à établir; la première est que nous ne faisons que marcher dans la voie que nos adversaires, qui formaient la dernière administration, nous avaient tracée, ou pour mieux dire, imposée, relativement à cette question des pertes souffertes dans nos malheureux troubles politiques, et que la mesure que nous proposons aujourd'hui n'est que la conséquence nécessaire de celle qu'ils ont eu le mérite de présenter eux-mêmes en 1845, mesure dont ils ont pris, aux yeux de tout homme honnête et sensé, aux yeux du pays tout entier, l'engagement solennel de conduire à fin.

Étaient-ils sincères? C'est là une question dont l'appréciation dépend de leurs actes, de leurs actions, dont je vais faire l'exposé; je laisserai ensuite la solution de cette question aux honorables membres de cette chambre et au public.

Toujours est-il vrai qu'étant au pouvoir, ils ont engagé la foi du gouvernement. Et, parce que nous voulons, nous racheter cette promesse solennelle de leur part, nous nous trouvons, à notre grande surprise, l'objet de leurs accusations impuissantes, il est vrai, mais qui, par cela même qu'elles sont impuissantes, n'en décèlent pas moins leur faiblesse, leur manque de générosité, de sincérité même, qu'on me pardonne cette expression!

La seconde proposition consiste à réfuter l'assertion si souvent faite dans le cours de ces débats, que l'adoption de notre mesure aurait l'effet de faire payer au Haut-Canada, et à son préjudice, certaines pertes que nos troubles politiques de 1837 et 1838, ont fait essuyer aux habitants du Bas-Canada.

Pour mieux développer ma première proposition, il me faut faire le précis historique des mesures législatives ou administratives, adoptées tant dans le Haut que dans le Bas-Canada, sur la question des pertes dont il s'agit.

D'abord pour le Haut-Canada, où une rébellion a éclaté, quoique sa population ne fût pas canadienne-française. La législature du Haut-Canada passa deux actes, l'un en 1838, et l'autre en 1840; le premier avait pour objet de faire constater, par des commissaires, le montant des pertes, l'autre d'approprier une somme de £40,000 à l'indemnité de ces pertes. Vous ne trouverez, ni dans l'un ni dans l'autre de ces deux actes, aucune classification des sujets de Sa Majesté, qui ont été victimes de ces pertes. Tous ceux qui avaient souffert, sont appelés à demander un indemnité. La nature ou l'origine des pertes seule était définie. C'était celles que pouvaient avoir été occasionnées par les rebelles. Cependant l'acte de 1840 ajouta le mot, ou autrement, mot bien vague, il faut l'avouer. En 1841, l'Union des

deux Provinces est décrétée.

Dans la première session du parlement uni un amendement est proposé il consiste à faire reconnaître que l'indemnité doit s'étendre non seulement aux pertes occasionnées par les rebelles ou autrement, mais encore à celles dont les troupes de Sa Majesté, les volontaires, ou toutes autres personnes prenant sur elles d'agir par ordre du gouvernement, ont pu aussi être la cause. Ce dernier amendement devient loi; il fait partie de l'acte de 1841. Que l'on remarque, M. l'orateur, que cet acte, non plus que les deux premiers, ne fait aucune distinction entre les divers degrés de loyauté des victimes. Que l'on remarque également que l'acte de 1840, appropriant £40,000, fut passé dans la dernière session du dernier parlement du Haut-Canada, à une époque où le Haut-Canada était incapable de payer sa dette publique, et que cet acte est le dernier acte de ce parlement, et que dans cet acte, il n'est nullement question des voies et moyens de prélever cette somme de £40,000.

Voilà l'état de choses jusqu'à 1841. Dans la session de 1842, je fus appelé au ministère. Cette session ne dura que quelques jours.

Dans la session de 1843, l'hon. membre pour le comté d'Essex, nous demanda si le gouvernement avait l'intention de pourvoir au paiement des pertes souffertes dans le Haut-Canada, c'est-à-dire au paiement des £40,000. Notre réponse fut négative; et, en la donnant nous déclarâmes que, s'il fallait payer, à même le fonds consolidé de la province, les pertes du Haut-Canada, il faudra aussi payer celles du Bas-Canada, dont le montant devait être au moins double de celui du Haut-Canada. En outre le fonds consolidé ne permettait pas de le faire. Je crois que cette réponse fut approuvée par l'hon. membre pour Essex. Je me rappelle fort bien qu'à la suite de cette réponse, l'hon. membre pour Toronto, (M. Sherwood) se hâta, peut-être un peu trop vite; de dire que les habitants du Haut-Canada étaient prêts à se soumettre à des taxes directes pour soulever au paiement des £40,000. Un comité spécial fut nommé soit sur sa proposition, ou celle de l'hon. membre pour essex, (col. Prince); dans tous les cas, l'un et l'autre en faisaient partie; et je pense que l'hon. membre pour Hamilton (sir Allan MacNab) en faisait aussi partie. Ce comité spécial avait pour mission d'indiquer les moyens de prélever cette taxe directe sur les habitants du Haut-Canada. A-t-il jamais fait rapport? jamais. Que devenait donc cette vanterie de cette bonne disposition de la part de nos concitoyens du Haut-Canada de se taxer directement pour payer ces pertes? Ceux qui avaient eu le courage de parler de cette taxe, n'ont pas eu celui d'indiquer les moyens de la prélever.

Dans tous les cas, il résulte de ce fait que les habitants du Haut-Canada, quoiqu'anglais, n'aiment pas plus à être taxés que les habitants du Bas-Canada.

Dans cette session de 1843, le ministère dont je faisais partie, résigna. La session suivante du parlement, qui fut celle de 1844 et 1845, fut ouverte sous auspices de sir Charles Metcalfe et de l'administration, à laquelle nous avons succédé l'année dernière.

Le choix de l'orateur, à l'ouverture de la session de 1844-45, fit voir quelle était la force des deux partis politiques. Une majorité de trois seulement plaça dans le fauteuil l'hon. membre pour Hamilton, (sir Allan MacNab). Je fais remarquer alors que je regrettais beaucoup



que le gouvernement n'eut pas une majorité plus forte dans cette chambre; car je ne suis pas un de ceux qui proclament qu'il faut une chambre forte et un gouvernement faible, comme on l'a dit dernièrement dans cette enceinte; au contraire sous notre nouvelle forme de constitution, le gouvernement sera fort ou faible, selon que la majorité qui l'appuie dans cette chambre, et dont dépend son existence, sera elle-même forte ou faible.

Dans cette célèbre majorité de 3 se trouvait l'honorable membre du lac des Deux-Montagnes, (M. Scott.) Je ne sais à quel degré de loyauté, l'administration desir Charles Mercalfe l'avait considéré. Toujours est-il vrai qu'elle s'était empressée d'accueillir son appui; appui qui l'a sauvée du naufrage dans plus d'une occasion. Pouvait-il en être autrement d'une administration qui, plus d'une fois, fut obligée de compter sur le désintéressement et le patriotisme de l'opposition, pour faire passer ses mesures?

L'hon. membre du lac des Deux-Montagnes me pardonnera, si j'en appelle à lui, je ne fais qu'accomplir un devoir que mes adversaires, auxquels il a cru devoir lui même donner son appui pendant deux sessions, m'imposent aujourd'hui. Les électeurs de l'Hon. membre lui avaient confié des pétitions, demandant une indemnité, surtout pour la destruction de l'église de St. Eustache. Je reconnais ici que l'Hon. membre a fait tout ce qui était en son pouvoir pour obtenir cette indemnité; il croyait l'obtenir en donnant honnêtement ainsi qu'il l'a déclaré dans cette chambre, son appui à une administration qui l'a joué et trompé. En m'exprimant ainsi, je ne fais que répéter ce que l'hon. membre a déjà dit dans cette enceinte, et ce qu'il s'empressera de dire encore, je n'en ai aucun doute. En outre de l'intérêt de ses électeurs, l'Hon. membre avait lui-même un intérêt personnel à l'indemnité qu'il réclamait auprès de la dernière administration. Cette administration le savait, et lui faisait espérer cette indemnité.

Nous en sommes donc à la session de 1844-45. Le Haut-Canada demandait ses £40,000; le Bas-Canada demandait ses £80,000. Le Haut Canada, ou plutôt, l'Hon. M. Sherwood qui le représentait alors dans l'administration, ne parlait plus de taxe directe sur les habitants du Haut-Canada. Mais il fallait payer les £40,000 du Haut-Canada, même sans payer les £80,000 du Bas-Canada, quoiqu'en 1843, on eût reconnu la justice de cette réclamation.

Il a donc fallu avoir recours aux fonds consolidés de la province. L'on chargea l'hon. D. B. Papineau, de proposer lui-même cet expédient, qui consistait à soustraire du revenu général de la province une branche particulière de ce revenu; c'était celle des licences d'auberges. C'était, être on ne peut plus heureux; cette branche particulière du revenu produit, dans le Haut-Canada, à peu près le double de ce qu'elle produit dans le Bas Canada. Quelle belle opération financière! J'en parlerai bientôt en détail.

Mais, avant que cette opération fut mise en exécution, l'hon. membre des Deux-Montagnes voulait avoir une garantie. Du moins, c'est ainsi que j'interprète les actes de la dernière administration, tels qu'ils apparaissaient sur les journaux de cette chambre.

Avant même que l'on procédât, en 1845, à s'occuper du paiement des £40,000 du Haut-Canada, bien que ce fût le même jour, le 28 février 1845, l'hon. membre eut alors assez d'influence auprès de l'adminis-

tration d'alors, pour qu'elle lui permit de proposer, et de faire adopter, à l'unanimité par cette chambre, une adresse au gouverneur d'alors, lord Metcalfe, "prianant Son Excellence de vouloir bien faire adopter quelques mesures aux fins d'assurer aux habitants de la province, ci-devant le Bas-Canada, une indemnité pour les justes pertes qu'ils ont essuyées pendant le rébellion de 1837 et 1838."

Cette proposition de l'hon. membre des Deux-Montagnes, fut secondée par le Dr. Dunlop, l'un des plus grands loyaux du Haut-Canada. Oh! il faut que les habitants du Bas-Canada aient bien souffert, et bien injustement puisque le Dr. Dunlop a lui-même secondé cette proposition.

Cette adresse votée, la foi du gouvernement était engagée! Ainsi a dû le comprendre l'Hon. membre des Deux-Montagnes; ainsi ont dû le comprendre tous les gens honnêtes et de bonne foi.

Aussi quelques heurs après l'adoption de cette adresse, séance tenante, l'hon. membre des Deux-Montagnes permit-il à l'administration de s'emparer du revenu des licences d'auberges pour payer les pertes du Haut-Canada étaient payées à même le revenu consolidé de la province, tout en donnant aux gens de mauvaise foi le prétexte de dire que le Haut-Canada payait lui-même ses propres pertes; il nous était impossible de laisser passer sous silence cette opération. Aussi deux amendements furent-ils proposés à la motion de l'honorable D. B. Papineau; le premier proposé par l'honorable membre du comté de Glengarry, avait pour objet d'en appeler au gouvernement impérial pour le paiement de ces pertes; il fut repoussé.

Cet amendement perdu, selon notre langage parlementaire, j'en proposai moi-même un autre à l'effet de déclarer que la proposition de l'honorable D. B. Papineau de payer les pertes du Haut-Canada, ne pouvait être adoptée, "à moins que l'on n'adoptât en même temps quelques dispositions pour pourvoir au paiement de réclamations semblables dans le Bas-Canada."

Cet amendement fut alors rejeté. Qu'il me soit permis de remarquer que l'honorable membre pour Gaspé, (M. Christie) vota pour cet amendement; et cependant, aujourd'hui, il agit en sens contraire de ce vote.

Voilà le récit fidèle des faits jusqu'à ce jour mémorable du 28 février 1845. La question soulevée ce jour là, était trop grave, pour qu'elle ne donnât pas lieu à des débats longs et chaleureux. Dans le cours de ces débats, je demandai avec instance au ministère de faire pour le Bas-Canada ce qu'il faisait pour le Haut-Canada; rien de plus, mais aussi rien de moins. L'honorable D. B. Papineau me répondit que la raison pour laquelle la mesure qu'il proposait dans l'intérêt du Haut-Canada, ne s'étendait pas au Bas-Canada, était que les pertes du Bas-Canada n'étaient pas constatées. Je lui fis voir que les pertes du Haut-Canada ne l'étaient pas plus, puisqu'il avait recours à des commissaires pour les constater. Voyant que le refus de faire justice au Bas-Canada était fondé sur l'assertion fausse qu'aucune perte n'avait été constatée dans le Bas-Canada, je me fis un devoir de dire à cette administration qu'il existait encor deux rapports des commissaires nommés en vertu d'une ordonnance du conseil spécial, auxquels on n'avait pas encore fait justice, bien que ces deux rapports constataient les pertes d'une certaine class privilégiée. L'on ne savait quoi répondre; mais j'avais été compris par un honorable membre qui représentait alors la cite de Montréal, et que je remplace aujourd'hui. Il est bien connu que cet honorable membre faisait alors mouvoir à son gré l'administration de



1844 et 1845; quand il m'entendit faire allusions aux deux rapports en question, il somma l'administration de dire si elle entendait payer les réclamations de ceux au profit desquels ces deux rapports avaient été faits. Cette interpellation eut lieu dans le cours des débats qu'avait soulevés la proposition faite par l'honorable D. B. Papineau. Les membres de l'administration déclarèrent qu'ils avaient jusqu'alors ignoré l'existence de ces deux rapports, et promirent à l'honorable membre avec toute la soumission possible, que justice serait faite. Cette prétendue justice fut faite dans la session de 1846; mais n'aurait-elle été faite, si je n'avais pas, en 1845, rappelé la cause de cette classe privilégiée de loyaux?

J'ai exposé les faits jusqu'à la session de 1845. Il me faut revenir à l'adresse du 28 février, demandant une commission, adresse adoptée avec le concours de l'administration. Mais, avant d'aller plus loin, il est bon de rappeler que sous le régime du conseil spécial, des commissaires avaient été nommés, dans le Bas-Canada, pour constater les pertes de certaines classes privilégiées. Eh! bien, M. l'orateur, nous avons les rapports de ces commissaires qui, assurément, ne peuvent pas être accusés de partialité par nos adversaires d'aujourd'hui. Il paraît que £15,000 ou £20,000 votés par le conseil spécial, et payés avant l'union des provinces, ont suffi pour faire face à toutes leurs pertes, même en déduisant les frais ou émoluments de cette commission, qui, je crois, ont été à peu près d'un cinquième ou d'un quart de la somme ainsi appropriée.

Les faits ainsi exposés dans leur vrai jour, ne me sera-t-il pas permis de demander aux membres de la dernière administration quelle était leur intention, quel était leur objet, lorsque le 29 février 1845, ils donnaient leur concours à la motion de l'honorable membre des Deux-Montagnes, et faisaient ainsi adopter à l'unanimité par cette chambre une proposition qui reconnaissait qu'il y avait encore dans le Bas-Canada des pertes auxquelles il fallait satisfaire? Étaient-ils sincères, ou n'étaient-ce qu'une déception pratiquée envers l'honorable membre des Deux-Montagnes, afin de conserver son appui dans cette chambre, appui dont a si souvent dépendu l'existence de ce ministère? Oh! M. l'orateur, serait-il possible que, pour conserver une voix dans cette chambre, l'on sacrifierait tout? L'on engagerait la foi publique lorsqu'on est au pouvoir, pour la violer ensuite lorsqu'on est dans l'opposition?

La session de 1844-45 terminée, le ministère sembla avoir oublié l'adresse du 28 février. Ce ne fut que dans le mois de décembre suivant qu'il fit nommer une commission. Ses instructions sont en date du 12 de ce mois. Une nouvelle session du parlement approchait. L'honorable membre des Deux-Montagnes allait de nouveau se trouver face à face avec ce ministère. Il fallait bien faire quelque chose pour conserver son appui. Delà la nomination de cette commission.

On lit dans les instructions du 12 décembre 1845, ce qui suit: "Dans l'exécution des devoirs qui vous sont confiés en vertu de la présente commission, vous devez distinguer avec soin les cas de ceux qui ont pris part à la dite rébellion ou ont pu l'aider, ou s'en rendre complices, des cas de ceux qui ne l'ont point fait; vous indiquerez spécialement, mais succinctement, la nature des pertes essuyées dans chaque cas, le montant, la nature, et autant que possible la cause de ces pertes."

Les commissaires par la lettre de leur secrétaire du 11 février 1846, demandent des explications, et posent la question suivante. Les instructions du 12 décembre dernier aux commissaires diffèrent essentiellement de la teneur de la commission qui les nomme relativement aux personnes qui ont droit à une indemnité: quels sont les pouvoirs conférés à la commission pour établir les classifications requises par les instructions."

Voici la réponse écrite de M. le secrétaire Daly à cette question. Elle est en date du 27 février 1846: "En établissant les classifications exigées dans vos instructions du 12 dec. dernier, l'intention de Son Excellence est que vous n'admettiez aucun autre genre de preuves que celles qui sont fournies par les sentences des cours de justice."

Cette réponse est faite à la veille de la session du parlement. Ces nouvelles instructions intiment de plus aux commissaires que "les détails de ces pertes doivent faire par la suite le sujet d'une enquête plus approfondie par ordre de la législature."

Puis le 2 avril 1846, durant la session du parlement, une lettre de M. le secrétaire Daly enjoint aux commissaires de faire leur rapport le plus promptement qu'il leur sera possible. Ce rapport est fait durant cette même session du parlement, les commissaires constatent que les réclamations de toutes sortes se montent à environ £250,000, et sont d'opinion qu'il faudra approprier une somme de £100,000 pour y faire droit. Que l'on remarque que plusieurs personnes n'ont pas présenté leurs réclamations, parce qu'elles ne croyaient pas à la sincérité du ministère.

Dans cette même session de 1846, l'administration fait passer une loi appropriant le fonds des licences de mariage au paiement des pertes contractées, dès avant l'Union des provinces, par les deux rapports des commissaires du conseil spécial dont j'ai déjà parlé. C'était faire justice avec vengeance en même temps; car le revenu annuel du fonds ainsi approprié, n'était pas suffisant pour payer l'in-l'intérêt (sic) des £10,000, qui formaient le montant de ces deux rapports.

Les faits que j'ai cités, établissent clairement que toutes les pertes de la classe privilégiée par excellence avaient été constatées même avant l'Union des provinces, et ont été payées en partie avant et en partie depuis cette époque. Que veut donc dire l'adresse du 28 février 1845? Que signifient donc la commission et les instructions subséquentes? N'établissent-elles pas que l'administration du temps reconnaissait qu'il y avait une autre classe de personnes qui, quoique peut-être moins privilégiées à ses yeux, avaient néanmoins droit à une indemnité pour les pertes qu'elles avaient souffertes?

Or, quel est aujourd'hui l'objet de notre mesure? n'est-ce pas de finir ce que nos prédécesseurs avaient eux-mêmes commencé? N'est-ce pas en effet continuer leur propre mesure? et au lieu de nous blâmer, ne devraient-ils pas au contraire nous approuver?

Je pense avoir établi ma première proposition; je passe à la seconde qui est de démontrer que le paiement des pertes à même le fonds consolidé n'est pas une injustice pour le Haut-Canada.

Avant la loi de 1845, donnant aux municipalités le fonds des licences d'auberges, et appropriant en même temps au paiement des £40,000 du Haut-Canada, la portion de ce fonds prélevé dans cette partie de la province, toute cette branche du revenu faisait partie du fonds consolidé. L'effet



de cette loi a donc été de faire payer les pertes du Haut-Canada à même ce fonds consolidé.

En calculant le revenu de ce fonds durant les quatre dernières années, l'on trouve que la moyenne du revenu annuel des licences d'auberges dans le Haut-Canada est de.....£9,664 12 3 tandis que pour le Bas-Canada ce revenu n'est que de.....£5,557 7 6

donnant, au profit du H.-C. un excédant de.....£4,107 4 9  
excédant qui représente un capital de £88,454 dont le Haut-Canada, par cette opération financière de 1845, se trouve avoir le droit de jouir annuellement au préjudice du Bas-Canada. La même opération a eu lieu, au préjudice du Bas-Canada, par la loi de 1846, qui a soustrait du fonds consolidé de la province le revenu des licences de mariage, en donnant à certaines institutions du Haut-Canada la portion qu'il contribuait à ce revenu, et appropriant celle du Bas-Canada au paiement des £10,000 de pertes dont j'ai déjà parlé. Comme dans le choix des licences d'auberges en 1845, l'on a eu le soin, en 1843, de soustraire au fonds consolidé une branche du revenu qui se trouvait produire plus dans le Haut que dans le Bas-Canada. En effet, dans l'année 1847, qui a suivi la passation de cette loi, le revenu net des licences de mariage a été:

Pour le Haut-Canada.....	£2,197 19 7
Pour le Bas-Canada.....	412 2 6

Donnant, au profit du Haut-Canada un excédant de.....£1,785 17 1  
Lequel représente un capital de £29,794 4s. 4d; et si l'on ajoute ce capital à celui de £68,454, vous avez un total de £98,218 4s. 4d. dont ces deux opérations ingénieuses donnent annuellement l'intérêt au Haut-Canada. Aujourd'hui nous ne demandons que £90,000 car dans les £100,000 de la loi de 1846; par conséquent nous vous demandons moins que ce que vous avez pris vous-même; et cependant vous criez à l'injustice!

Si nous adoptons l'expédient auquel ont eu recours nos prédécesseurs, ne pourrions-nous pas aussi trouver quelques branches du revenu qui doivent plus dans le Bas-Canada que dans le Haut-Canada, tels que les suivantes:

1. Certains honoraires perçus au Bureau de secrétaire provincial.	
Bas-Canada.....	£ 785 14 4
Haut-Canada.....	273 12 0
Excédant en faveur du Bas-Canada.....de	512 2 4
2. Encanteurs:	
Bas-Canada.....	£5,243 16 5
Haut-Canada.....	1,332 15 9
Excédant en faveur du Bas-Canada.....de	3,914 0 8
3. Droits sur l'émission des Billets de Banques:	
Bas-Canada.....	£11,174 5 7
Haut-Canada.....	4,832 1 7
Excédant en faveur du Bas-Canada.....de	6,342 4 0

£10,765 7 0

Par les opérations de 1840 et de 1846, nos prédécesseurs ont soustrait pour toujours du fonds consolidé un revenu annuel d'environ £20,000. Si nous suivions leur exemple, en proposant de donner au Haut et au Bas-

Canada leurs portions respectives dans les trois branches de revenu que je viens d'indiquer, cette mesure aurait l'effet de soustraire pour toujours au fonds consolidé un revenu annuel excédant £23,000. Nous ne voulons pas avoir recours à cet expédient; car, outre qu'il serait injuste pour la province, il le serait encore pour les créanciers de notre dette publique.

Je ne puis terminer sans répondre à quelques-unes des remarques de l'hon. membre de la ville de Sherbrooke (M. Gugsy.) Il cherche à rallumer les querelles nationales, en faisant appel aux passions que les distinctions d'origine peuvent faire naître. Il a la prétention de croire qu'en sa personne se trouve représenté toute la population d'origine anglaise dans le Bas-Canada, et il veut faire croire à l'étranger que toute cette population forme un parti politique différent de celui des Canadiens-français. Je saisis cette occasion de nier ce qu'il avance. Au moins la moitié, si ce n'est plus, de la (sic) population d'origine anglaise de la cité de Montréal, appartient à notre parti. De quel côté de la chambre, siègent les hon. membres qui représentent les comtés de Beauharnois, d'Ottawa, et de Drummond? ne siègent-ils pas de notre côté. Que représente le comté de Shefford, qui est un comté tout anglais? n'est-ce pas mon honorable ami le Solliciteur-Général du Bas-Canada? Le comté de Stanstead n'a-t-il pas jusqu'à l'élection de 1844, presque toujours élu un membre libéral? Pensez-vous qu'il ne le fera pas encore? Et le comté de Missisquoi, à quel parti appartient-il? L'hon. membre pour Sherbrooke qui s'est porté candidat à l'élection de ce comté en 1847 contre le Procureur-général, ne m'appartient-il pas aujourd'hui, et ne m'appartiendra-t-il pas à la prochaine élection générale? Cependant les habitants de ce comté sont tous d'origine anglaise. Oh! il reste la grande ou la petite ville de Sherbrooke, avec sa population de 800 âmes, et ses deux douzaines d'électeurs, que représente l'hon. membre. Mais même cette grande ville de Sherbrooke, n'avons-nous pas droit de la réclamer comme appartenant à notre parti? L'hon. membre, en prenant son siège dans cette chambre l'année dernière, ne s'est-il pas joint à nous dans le vote de non-confiance contre le dernier ministère, au débris duquel il semble cependant s'être rallié depuis, avec le dévouement (sic) de l'homme courageux qui est prêt à se sacrifier pour sauver son ennemi du naufrage. L'hon. membre qui, dans la législature de Bas-Canada, était appelé le Leader de l'opposition de Sa Majesté, voudra bien me permettre de lui demander, s'il est vrai qu'il représente les sentiments politiques de toute la population anglaise, comment il se fait que depuis l'union des provinces, l'hon. membre qui a frappé à toutes les portes, même à Montréal, n'a pu être élu dans aucun endroit, si ce n'est à la grande ou petite ville de Sherbrooke, et encore l'année dernière seulement? Est-ce là une preuve qu'il représente toute la population anglaise du Bas-Canada? Voudrait-il aussi nous expliquer comment il se fait que la majorité des membres du Haut-Canada, appartenne au même parti politique que les Canadiens-français?

L'honorable membre a aussi parlé de protestants et de catholiques, comme si ce n'était pas assez, pour exciter les passions, d'avoir invoqué les distinctions d'origine. Il a dit que c'était injuste, indécent, immoral, d'employer au paiement des pertes en question un fonds fourni par les protestants et auxquels (sic) les catholiques ne contribuaient



nullement. L'honorable membre a parfaitement raison sur ce point; mais ce qu'il a dit prouve qu'il n'a point lu les résolutions que je propose. S'il y a, comme le dit l'honorable membre, injustice, indécence, immoralité, dans l'appropriation du revenu des licences de mariage au paiement de ces pertes, qui s'en est rendu coupable? Ne sont-ce pas nos prédécesseurs qui, par leur loi de 1846, ont fait eux mêmes cette appropriation spéciale? Je veux, au contraire, faire disparaître, s'il est possible, cette appropriation, pour faire rentrer de nouveau cette branche de revenu dans le fonds consolidé de la province, et fournir par là l'occasion d'en faire l'emploi uniquement dans l'intérêt de ceux qui les paient.

L'honorable membre de Sherbrooke a demandé si, dans la présentation du bill d'amnistie au commencement de cette session, nous n'avions pas eu une arrière-pensée. Personne, dans cette chambre, n'a le droit de m'accuser de nourrir une arrière-pensée, l'honorable membre moins que tout autre. Il est bien connu que lorsque j'étais au ministère en 1842 et 1843, j'ai fait tout ce qu'on pouvait attendre de moi dans la position que j'occupais, pour obtenir cette amnistie. Si je n'ai pu obtenir alors l'amnistie générale que je sollicitais, les pardons particuliers que j'ai obtenus, prouvent ce que j'affirme aujourd'hui; et je défie mon ennemi le plus acharné de venir me contredire. En dehors du ministère, à la session de 1844-45, je pris encore l'initiative, et, sur ma proposition, cette chambre vota à l'unanimité une adresse à Sa Majesté, la priant de vouloir bien accorder une amnistie générale. En présence de ces faits, ne devait-on pas s'attendre que, lorsqu'en 1848, je fus appelé à former le ministère qui existe aujourd'hui, renouvelerais ma demande d'une amnistie générale, convaincu comme je l'étais que cette demande ne pouvait plus, dans les circonstances, éprouver un refus? J'aurais été bien coupable si je ne l'avais pas fait. J'ai eu peu de peine, et par conséquent peu de mérite à l'obtenir aujourd'hui. Je ne faisais que demander ce que l'homme distingué que nous avons pour gouverneur, désirait lui-même obtenir depuis longtemps; et jamais demande n'a été reçue, accueillie avec plus de grâce, plus de bienveillance. Dans ces circonstances, n'était-il pas naturel que cette amnistie fût annoncée de la manière solennelle dont elle l'a été dans le discours du trône? Peut-on nous blâmer d'avoir, dès les premiers jours de cette session, proposé le bill qui consacrait cette amnistie? Que devient donc le reproche d'arrière-pensée? Il n'y a que celui dont les lèvres pardonnent, mais non pas le coeur, qui puisse avoir le courage de nous adresser ce reproche.

L'honorable membre de Sherbrooke et quelques autres membres de l'opposition qu'il prend plaisir aujourd'hui à appeler ses amis, ont eu recours à l'ancienne tactique des partis politiques avant notre nouvelle forme de gouvernement, celle de mettre en cause, d'attaquer personnellement le représentant de la couronne. Quand mes amis et moi, étions dans l'opposition, en avons-nous agi ainsi envers le noble personnage qui est aujourd'hui à la tête de notre gouvernement? Est-il jamais sorti une parole de notre bouche, qui pût le blesser le moins du monde? nous comprenons mieux notre mission et nos devoirs, et envers le pays et envers la couronne. Il y a injustice, à mettre en cause dans nos luttes politiques, à attaquer personnellement le gouverneur qui respecte notre nouvelle forme de gouvernement. Quel est le membre de cette chambre

qui puisse accuser le représentant actuel de la couronne d'avoir violé notre constitution, en quoi que ce soit? y a-t-il un seul des membres du dernier ministère qui, la main sur la conscience, puisse élever la parole contre lui, et dire publiquement, en notre présence, à nous qui hier, étions dans l'opposition, qu'ils ont un seul reproche à faire au gouverneur actuel? Pas un d'entre eux n'oserait le faire. J'admets néanmoins qu'ils ont un reproche à lui faire, c'est celui que couvrent leurs attaques injustes et impardonnables; ils ont droit de lui reprocher ce qui doit lui mériter plus que jamais l'estime et le respect du pays; il n'a pas suivi l'exemple de lord Metcalfe; il ne s'est pas fait homme de parti. Voilà son crime aux yeux des membres de l'opposition.

De là leurs injures, leurs attaques incessantes, lancées dans l'unique but de le dégoûter ou de l'intimider! Que les honorable (sic) membres me permettent de leur dire que, s'ils croient par cette tactique, obtenir leur but, ce sont peines et dépenses perdues de leur part. Si vous avez des injures à prodiguer, si vous avez des attaques à diriger, prodiguez-les, dirigez-les contre nous. Suivant votre expression, nous sommes payés, nous sommes ici pour les endurer; mais nous sommes aussi ici, pour mépriser les unes, et repousser les autres; et c'est ce que nous ferons. Ces attaques personnelles contre le Gouverneur-général me rappellent une dépêche récente du lieutenant-gouverneur de la Nouvelle-Ecosse, qui, soit en passant, appartient à la classe des gouverneurs militaires, et non à la classe des gouverneurs civils, dans le sens qui, jusqu'à présent, a été attaché à ces mots. Là, comme ici, la dernière élection générale, faite librement, a placé dans une insignifiante minorité le parti qui s'appellent (sic) conservateur par excellence. Ce parti a tenté d'arrêter la marche du gouvernement responsable, ou pour mieux dire du vrai gouvernement représentatif. Aussi l'honnête soldat qui est à la tête du gouvernement de la Nouvelle-Ecosse, en transmettant au secrétaire des colonies les remontrances des chefs de ce parti, a-t-il bien soin de faire remarquer que ce sont les derniers efforts d'un parti qui expire, et qu'il pense bien que ces efforts ne réussiront pas à entraver la marche régulière et constitutionnelle de la forme de gouvernement que Sa Majesté vient de donner à la Nouvelle-Ecosse. Que les honorables membres se résignent de bonne grâce à leur sort. Un gouverneur partisan leur avait donné hier la majorité et le pouvoir. Aujourd'hui une élection libre, bien que nous fussions dans l'opposition, nous a donné, à nous, la majorité et le pouvoir. Je n'ai qu'une consolation, bien faible il est vrai, à offrir aux honorables membres de l'opposition; c'est de prendre patience; peut-être par ce moyen auront-ils la chance de reconquérir une position qu'ils regrettent tant d'avoir perdue.

Je n'ai plus qu'une remarque à faire; et les hons. membres du dernier ministère qui ont pu conserver un siège dans cette chambre, ne diront pas, je pense, que c'est leur faire injure que d'exprimer une conviction que je nourris bien sincèrement, et que j'ai raison de croire être partagée par tous les membres de cette chambre et par le public, c'est que si nous, membres du Bas-Canada, avions voulu, dans le dernier parlement, donner appui à la dernière administration et par là lui assurer une forte majorité, l'indemnité que nous demandons aujourd'hui nous aurait été accordée de bon coeur par cette même administration! Après avoir pris elle-même l'initiative de cette mesure, après avoir, comme elle l'a fait, engagé la foi du gouvernement, elle a tenu



cette mesure suspendue sur nos têtes et comme une espérance et comme une menace! Elle nous disait:venez à nous, et l'indemnité sera votée et payée! Si vous ne voulez pas venir à nous, l'indemnité ne sera ni payée, ni votée. Nous avons été fidèles à nos consciences, eux ont été fidèles à leur menace.

Je terminerais ici, si ce n'était d'un mot, d'une d'une parole offensante qui est échappée à l'hon. membre pour Hamilton (sir Allan Mac-Nab.) Je suis convaincu qu'il l'a prononcée sans trop réfléchir, dans la chaleur des débats. Je n'en parle que pour fournir à l'hon. membre l'occasion de se rétracter. En parlant des canadiens-français, il les a appelés "foreigners, étrangers," Quoi! M. l'Orateur (sic), les canadiens-français étrangers sur leur terre natale! Ce serait une insulte, si ce mot malheureux de l'hon. membre avait été prononcé avec préméditation! Ce serait pour nous une insulte comme l'a été le mot malheureux de lord Lyndhurst, à l'adresse de cette partie de la population de l'Irlande, qui, comme les canadiens-français, est catholique! alien in blood, alien in language, alien in religion! L'hon membre qui se fait gloire d'être un native canadian, le serait-il, si les canadiens-français, lors de la guerre de l'indépendance américaine, n'avaient pas, par leur valeur et leur dévouement, conservé les Canadas à l'Angleterre? Si ce n'eût été du courage des canadiens-français en 1775 et en 1812, les Canadas seraient aujourd'hui partie de la confédération américaine, et l'hon. membre ne serait pas ici pour jouer le rôle qu'il joue.

L'hon. membre pour Hamilton n'a pu s'empêcher d'attaquer le gouvernement responsable; il l'approuvait cependant en 1845; mais c'était dans un temps où ce même gouvernement l'avait placé dans le fauteuil que vous occupez, M. l'Orateur. Aujourd'hui qu'il en est descendu, il le condamne; il l'approuverait demain encore, si on le rappelait dans ce fauteuil; il l'approuverait avec la même cordialité avec laquelle il en faisait l'éloge en 1845, lorsqu'à la barre du conseil législatif, en présentant un bill des subsides, il disait au représentant de la couronne: "Nous devons respectueusement faire remarquer à Votre Excellence que les subsides que ce bill accorde, sont octroyés sous le système de gouvernement responsable qui a été concédé si pleinement et si gracieusement par Sa Majesté, à ses fidèles sujets Canadiens.."4

SIR A. MACNAB rose and begged to leave to explain. He had been misunderstood; he had said, that in the event of the Attorney-General East, aided by the Attorney-General West, forcing this measure upon the country, it would be a question for the people of Upper Canada to consider whether it would not be better for them to be governed by the people on the other side of the river than by a French Canadian majority--because he considered the measure a most unjust one. The time was not long gone by, when he had held a very high opinion of the French Canadians, and was exceedingly friendly to them because he admired their bravery and loyalty in 1812, when he had marched in the same ranks with members not now of that House, but who had now seats in the other House, upon the march to Plattsburg; but their proceedings since had induced him to change his opinion. He had been accused of having altered his views about Responsible Government; he was about the last person who was in favor of its introduction, because he did not see that it would prove advantageous to them; but when the system was introduced, he felt it his duty to receive it.<sup>5</sup>

DR. DAVIGNON.--M. l'Orateur.--La motion en amendement de l'hon. monsieur pour Toronto, ayant suscité les débats<sup>6</sup> prolongés<sup>7</sup> sur les résolutions de l'hon. procureur-général pour le Bas-Canada, je ne puis donner mon vote sur cette question, sans expliquer aussi brièvement que possible les raisons sur les quelles je m'appuis pour réclamer cette justice si longtemps promise au Bas-Canada.<sup>8</sup> Représentant un des comtés qui ont les plus souffert dans ces événements, je ne parlerai pas comme intéressé dans cette question; je n'ai jamais fait, et ne ferai jamais aucune demande pour ce que j'ai perdu dans ces temps de malheurs. Je suis fondé à dire, M. l'orateur, que la plus grande partie de ceux qui ont souffert dans ces jours de deuil, la plus grande partie de ceux dont les propriétés ont été pillées, volées, ou brûlées, la plus grande partie de ceux qui ont été emprisonnés étaient parfaitement innocents, surtout en 38.

Je pourrais, M. l'orateur, citer un grand nombre de faits à l'appui de ce que j'avance ici. Je m'en tiendrai néanmoins à un seul, pour ne pas prendre le temps de cette Chambre. Je dois dire en même temps que je fais une grande différence entre les loyaux. J'ai eu l'avantage d'en reconstruire que j'appelle vraiment loyaux<sup>9</sup> and he honored them;<sup>10</sup> quant aux autres, je n'ai pas d'expression assez forte pour dire tout le mépris que j'ai pour eux. Un de ces derniers prétendus loyaux s'en vint un jour tout bonnement accuser, en 38, un citoyen respectable de la paroisse de St.-Athanase que je représente; s'en vint tout bonnement accuser ce citoyen respectable d'avoir récelé dans ses bâtimens des canons venus des Etats-Unis. Ce citoyen nia le fait; il offrit même à ce prétendu loyal magistrat de faire vider ses granges pleines des produits de sa récolte, pour lui prouver qu'il n'avait pas de canons chez lui, mais ce magistrat, bien aise de se venger contre des individus auxquels il ne pouvait pardonner d'avoir la confiance de leurs concitoyens, prit sur lui de faire consumer ces bâtimens, sous prétexte qu'ils contenaient des canons qu'ils récelaient.<sup>11</sup> Tout fut consumé, la récolte et autres effets<sup>12</sup> mais on ne trouva pas de canons, le feu les avait fondus.<sup>13</sup> (Laughter.)<sup>14</sup>

On alla plus loin, la maison d'un malheureux avait échappé aux flammes; on la livra au pillage des volontaires qui mirent, selon leur habitude, tant de zèle à exercer de brigandage, qu'ils laissèrent la femme de la maison sans même de quoi nourrir ses enfants<sup>15</sup> et rien pour les coucher. La persécution ne s'arrêta pas là, le J. P. arrêta l'individu en question, il le mit dans les cachots de St. Jean<sup>16</sup> qui depuis quatorze ans n'avaient vu aucun prisonnier et, sans la charité d'un capitaine de troupes, cet individu aurait non seulement perdu ses propriétés mais encore sa raison; sans la charité de ce capitaine, il serait peut-être mort de froid et de faim dans le cachot où on l'avait si arbitrairement plongé.<sup>17</sup> Quelques jours après on le conduisit en prison, complètement aliéné et tellement en lambeaux, que ses amis en prison ne purent le reconnaître.<sup>18</sup> Sur l'application que je fis alors, à l'aide d'un de ces loyaux que j'ai reconnu de mériter ce nom, il fut relâché. J'ai été trouver le procureur du roi, M. Ogden; et quelle n'a pas été sa surprise de voir qu'on avait osé agir ainsi? Il fit venir le magistrat et ne trouvant rien qui put justifier sa conduite, il fit mettre en liberté celui qui lui avait servi de victime.<sup>19</sup> Voilà, M. l'Orateur, un de ces exemples de la manière avec laquelle les citoyens paisibles ont été traités, et c'est parce qu'au nombre de ceux que nous voulons indemnifier, il s'en trouve qui comme mon



honorables amis pour Richelieu n'ont pu souffrir de pareilles cruautés mais au moins offrir de la résistance, on refuse de sanctionner les résolutions soumises devant cette chambre. J'en suis d'autant plus surpris, M. l'Orateur, c'est qu'aux yeux de tout homme impartial nous sommes parfaitement justifiables dans la conduite que nous avons jugé à propos de suivre dans ce temps. L'hon. sol. général du Haut-Canada a prouvé bien clairement que nous n'avons pas été les agresseurs, il est inutile, pour moi et ce serait perdre le temps de cette honorable chambre que de répéter les arguments de mon savant ami, mais je dois dire<sup>20</sup> ici au nom de mes amis<sup>21</sup> qui si alors nous avions eu un système de gouvernement applicable aux colonies anglaises, c'est dû aux efforts que nous avons fait alors.<sup>22</sup> Maintenant<sup>23</sup> pour revenir aux raisons qui ont sans doute engagé le ministère d'amener cette mesure c'est que le peuple qui a aujourd'hui le pouvoir en mains, s'appuyant sur la promesse de l'ex-ministère, s'appuyant surtout sur l'adresse de cette honorable chambre en 1846, demande l'exécution de ces engagements. Les honorables membres qui opposent ces résolutions sont bien sensibles aujourd'hui de voir que nous allons payer une dette contractée par tous les gouvernements depuis l'Union envers le Bas-Canada. Ils n'étaient pas si sensibles lorsque, malgré nous, on nous a imposé le bill d'union qui, de l'aveu de ses propres auteurs n'était fait que dans le but d'écraser les canadiens. On n'était pas si sensible, lorsqu'on prenait l'argent pour engraisser certaines créatures, et aujourd'hui que le Bas-Canada veut ramasser quelques miettes, on crie aux armes. Eh bien! M. l'orateur, je déclare que de même que je supporterai les résolutions du procureur-général du Bas-Canada de même j'aurais été le premier à retirer mon faible appui à l'administration, si mon digne chef avait hésité un instant de réclamer au nom de son pays cette justice.

Cette justice, M. l'orateur, nous la réclamons au nom des habitants du Bas-Canada qui ont ... par leur persévérance une administration représentant la majorité. Ce n'est pas l'argent, M. l'orateur, qui coûte à ces messieurs de voter, oh non, ils ont toujours été prêts et ils le sont encore prêts à nous voter cette somme et même plus, si le Bas-Canada veut donner son appui. Ils ne peuvent support l'idée que de l'union qui existe aujourd'hui entre les membres libéraux anglais et les membres canadiens, il en est résulté un parti qui sera longtemps au pouvoir, parce qu'il est fort de la majorité. Les hons. membres qui opposent les résolutions doivent bien savoir que le peuple ne fait qu'exercer son pouvoir, il a le droit de demander cette mesure au ministère, et ils savent bien aussi que le ministère serait dans la nécessité de résigner s'il n'écoutait pas sa voix, et je connais assez les sentiments de ces hons. membres pour dire qu'ils se joindraient volontiers à nous pour crier contre nos hons. amis au pouvoir, afin d'avoir le plaisir de les voir abandonner des sièges qu'ils désirent tant occuper. Je finis, M. l'orateur, en disant que je suis heureux de voir, par cette mesure, l'influence des membres qui représentent le Bas-Canada dans l'exécutif et de voir de plus que la confiance que j'avais dans ceux que représentent le Haut-Canada était bien fondée, et je puis les assurer que comme ci-devant nous leurs prouverons notre reconnaissance, pour la générosité qu'ils montrent envers la population que nous représentons. En conséquence, M. l'orateur, je voterai contre motion en amendement, et pour les résolutions de l'hon. procureur-général du Bas-Canada.<sup>24</sup>

MR. MEYERS said it seemed to be admitted by all that there had been a Rebellion--they had heard of the troubles of 1837-'8-- and what was the cause of those troubles? They had all their own recollections of those troubles; and who were those members who were now speaking on the subject before the House? Who were they who spoke of making compensation for losses caused by the troubles? Men who had taken part in those troubles. As he had not heard all the debate, he would like to know what class of persons were to be compensated? He represented one of the largest constituencies in Upper Canada, one which sent a great number to put down the Rebellion; and, standing there as the representative of that constituency; he never could consent to pay the losses of those persons<sup>25</sup> who had caused the damage of that time<sup>26</sup>, who brought about the Rebellion.--If he did so he would disgrace his constituents, and if he voted for it, if he desired to get back to that House again, he would not get back; and he would tell the members for those constituencies near him, that let them vote for the Resolutions and they would never come to that house again. He would tell the member for Durham, who he supposed intended to vote for the Resolutions that he would never come back again;<sup>27</sup> (hear, hear)<sup>28</sup> and he would also tell the member for Hastings (hear, hear, and laughter) that if he voted for them he never would get here again.--He had heard, during the two days he had been in the house, something that surprised him; he had heard members who had been engaged in the Rebellion get up and justify themselves; he had heard them talk about the British Government, and if he could have doubted his ears he could not have believed it, that a member who now impugned the British Government should do so when he stood there by the clemency of that Government. It was most extraordinary thing, and it was one which could not have been witnessed in any other country but a British one, that members who had been guilty of the conduct they had been, should now be standing up there and bringing forward measures to pay the losses caused by their own acts. He was glad that the speech of the hon. member for St. Maurice was not uttered in the English language, but in a language not known to the people of that part of the country he came from, because it would have been disgraceful to have heard such sentiments delivered in the English language in a British house of Parliament.<sup>29</sup> There was one remark which fell from the Hon. Attorney General East on which he would say a few words. The hon. gentleman asserted that<sup>30</sup> he brought forward this measure for the purpose of carrying out the intentions of the late Ministry; but he did not think they ever introduced such a measure, or if they did it was not with<sup>31</sup> the consent of the independent members on his side of the House. (Hear, hear.) And for one he would<sup>32</sup> have instantly disavowed it, and the persons who sent the late Ministry here would have disavowed them. He had just come from Upper Canada, and he could tell them that Upper Canada was now agitated about the measure<sup>33</sup>. Every town, county, and district, had spoke (sic) out on it.<sup>34</sup> And if they delayed those proceedings for a few days they would get representation from the people of the whole country--from the one end of it to the other. But, from the majority which the Ministers enjoyed, he supposed they would force the measure through without allowing the people time to express their opinion on it. But he would inform them that news had been received by telegraph. The hon. member then read a telegraphic Despatch, dated



Belleville, 29th February, stating that "Resolutions were carried five to one--the Radicals cudgelled and ran like blazes." (Hear, hear, and great laughter.) They would find that the same sentiments would be repeated from every part of Upper Canada. He protested against the proposal to pay the losses of Rebels in Lower Canada from the money of the loyal people of Upper Canada. He remembered a loyal French Canadian of the name of Chartrand being murdered, and he believed that his family had never received any compensation.--There were other cases of a similar nature he could mention; if it was intended to pay them, then he would vote for the resolutions; but when he found that the voice of a British Legislature was to perverted to pay from the money of loyal people the losses of rebels, he must protest against it. The hon. member then read another Telegraphic Communication<sup>35</sup> just received by Sir Allan McNab,<sup>36</sup> which was handed to him,<sup>37</sup> dated "Hamilton, Feb. 20.--More than 1000 present from all parts. LaFontaine's resolutions denounced unanimously." (Cheers.)<sup>38</sup> He thought it due to himself and to his constituents to protest against the payment of the losses of those persons who had taken part in the Rebellion. (Cheers.)<sup>39</sup> He would strenuously oppose the Ministerial proposition.<sup>40</sup>

MR. W. SCOTT rose, and was about to speak<sup>41</sup>.

MR. ASST. COM. P. W. CAMERON, amidst loud cheers,<sup>42</sup> requested permission to read another telegraphic communication from Belleville, a little different from the one just read. The hon. member then read a communication from Belleville, dated 20th February, which said:--"Tories met at half-past twelve--Reformers protested at one--had majority--passed two Resolutions--when Orangemen rushed in with clubs and pistols, and dispersed meeting."--(Cheers and laughter.)<sup>43</sup>

MR. W. SCOTT (Two Mountains) could not, in justice to his constituents, who had shared so much in the troubles which had caused the present debate, give a silent vote on this question. For years before those occurrences, the feelings of the people of this Province of different origins were so excited against each other as to give rise to those events. They were told the other day by some hon. members who considered themselves ultra-loyalists, that they had been stigmatized as "rebels." Well, he would make this simple comparison: if he excited the feelings of another, so as to provoke him to strike him, was he not equally the aggressor, if not more culpable than the man who struck the blow? Such was the way in which those unfortunate disturbances were brought about.<sup>44</sup> The amendment before the House asked for delay, that the members complained of being hurried into the discussion of the measure without notice; but<sup>45</sup> that was but a pretext which was always resorted to by the Opposition.<sup>46</sup> The resolutions had been before the house since the beginning of the Session, and the constituencies of Upper Canada had had time enough to express their opinion upon the measure, if they desired to do so. The hon. member then went on to say that the late Ministry had acted in a most shameful manner relative to paying the Rebellion losses in Lower Canada, and<sup>47</sup> denied that they intended to pay the losses of any but the loyalists; he (Mr. Scott) did not believe they ever intended to do more, although for their own purposes they gave it, to be understood they did; and<sup>48</sup> he did not know which was most to be stigmatized, their hypocrisy on a former occasion, or their conduct on the present one.<sup>49</sup> It was when

he found out their consummate hypocrisy that he withdrew his support from them.<sup>50</sup> They had been told by the member for Huron, that undue means were used to withdraw one of his supporters, but the statement made was not very correct. It would be remembered that the office of Solicitor-General was given to a French Canadian gentleman, Mr. Taschereau. At the time another of their supporters, a French Canadian, felt a little sore at his not getting the office, and in conversation with Mr. DeBleury about the matter, he, (Mr. Scott,) in a joking manner, said to him, that if he felt slighted, he had only to cross over to the other side, and he would not only get that office, but also that of Adjutant-General, if he liked it better.<sup>51</sup> The hon. member, who was very imperfectly heard in the Reporter's box throughout his remarks, then stated, as we understood him, that<sup>52</sup> that was the sole ground for the observation of the member for Huron, who had stated that if he was granted a Committee, he was prepared to prove that the late Ministry offered him indemnity for the destruction of the Church at St. Eustache<sup>53</sup> if he would continue to give them his support.<sup>54</sup>

Cheers from the Ministerial Benches.<sup>55</sup>

The hon. member MR. W. SCOTT then went on to speak of the hostile feelings which pervaded some portions of the people against others; previous to the Rebellion every man, who was not a Tory, was called a Rebel--the words Liberal and Rebel were then synonymous terms. He (Mr. S.) was proud of being a British subject, and would have supported his countrymen of British extraction if he had considered them right, and if his conscience would have allowed, but it would not allow him to do so, and<sup>56</sup> at that time he had separated himself from his friends and relatives, and joined his French Canadian neighbours, because he thought that they had justice on their side. The treatment of the French Canadians at that time was entirely contrary to feelings of British justice:<sup>57</sup> Many of the persons, whose property was destroyed, were not engaged in the Rebellion; it was destroyed merely because rumor said that they were favourable to it; and was a person's property to be burnt, and he imprisoned,<sup>58</sup> and hanged,<sup>59</sup> on the mere rumor of the day, and no compensations to ((be)) afterwards allowed for it. He knew of cases where the property of old persons who had not interfered for a quarter of a century previous, had been destroyed; and yet their claims were rejected by the first Commissioners, only because that they were French-Canadians. He thought every man who had not been found guilty ought to receive an indemnity for their losses. He knew that Sir John Colborne destroyed a large amount of property, wantonly, upon mere rumors, and without having any ground for doing so. He (Mr. S.) considered that they were not altogether in a proper position in calling upon the Provincial Legislature to pay for the destruction of property caused by the soldiers. He considered that the British Government ought to pay the losses caused by them.<sup>60</sup>

MR. HOLMES said he had not intended to say a word, had not the question been of so much importance as not to allow it to pass without expressing his opinion, and for some<sup>61</sup> imputations ... cast on him,<sup>62</sup> by members opposite<sup>63</sup>, which perhaps required some explanation. He was perfectly aware that the hon. member for Hamilton, in the course of the debate, had at his command much of that sort of tactics which he (Mr. H.) was



completely ignorant of; he was prepared on all occasions to throw a little sarcasm and ridicule into the debate, and cause a little laughter. He (Mr. H.) would, however, remark that he could not see the vast difference between the Resolutions<sup>64</sup> now<sup>65</sup> brought forward by his hon. colleague and the Acts which had been brought forward by the gentlemen on the other side, although they now found it convenient to gainsay and repudiate their own acts, and to stigmatize the proceeding of his hon. friend as an incentive to treason. He could not see the difference between the present motion and the proceedings recorded in the Journals of the House. He saw there that resolutions<sup>66</sup> had been brought forward and adopted,<sup>67</sup> to provide for all the "just losses" incurred during the rebellion;<sup>68</sup> and they had heard the instructions which were sent to the Commissioners; if there was anything wrong in the present Resolutions, the gentlemen opposite were to blame for it.<sup>69</sup> And what was there in that different from the resolutions of his hon. friend? The only difference he could see was, that the present resolutions went to satisfy all the claims for just losses with the honest intention of paying the losses so incurred in the rebellion. But gentlemen on the other side proposed some resolutions, not<sup>70</sup> exclusively for the same purpose,<sup>71</sup> but to gain power; from motives of corruption of the grossest kind. For if there is dishonour in providing for notorious rebels, where was the dishonour when these gentlemen<sup>72</sup> so far forgot themselves as to pay the member for St. Maurice, who was at the head of the Rebellion, and who was the principal cause of it?<sup>73</sup> The hon. member for St. Maurice exercised great power at that time, and he (Mr. Holmes) believed that had he acted differently, the unfortunate troubles of 1837 and 1838 would not have occurred. The House had heard a vast deal of the duty of subjects to their Sovereign, and had been told that no acts of tyranny or oppression were an excuse for rebels. That was like the divine right of Kings--a doctrine exploded everywhere else, but to be revived in Canada. The people were to be insulted, their liberties trampled upon; but no efforts were to be made to maintain their rights. That might be called loyalty to the Crown; but he would call it by another name--he would call it<sup>74</sup> treason to the people<sup>75</sup>.

Bow, wow, and laughter.<sup>76</sup>

MR. HOLMES ((continued:)) The hon. member for Hamilton asked how much money he had put into his pocket<sup>77</sup> as pay<sup>78</sup> as Colonel of Volunteers during the years of 1837 and 1838? He (Mr. Holmes) answered--"None."<sup>79</sup> And he would now explain why he said so. He received pay, as Colonel, for about seven or eight months, but he did not put a shilling of it in his pocket; it was not for loyalty that he did not take it, but from a feeling of pride. He commanded a regiment of volunteers, and he was desirous to clothe them, and to make them look a little better than other volunteers; having a little experience in these matters, he knew that there were a few things, called necessaries, which would add much to the appearance and comfort of the men, and he directed his Pay-Master to lay out all his (Mr. H.'s) pay in procuring those things. He had asked the member for Hamilton how much pay he had received, and he answered, £66 13s. 4d. He (Mr. H.) had no doubt but that he did receive that amount, but he thought that hon. member's answer was ((not)) a very candid one. He would like to know if he did not receive any more

while he was Commandant of the Frontier, from the 4th December to----<sup>80</sup>

SIR A. MACNAB rose, and begged leave to explain. He thought the hon. member referred to the time when he came to Toronto, at the head of the volunteers. It was a matter of notoriety that he (Sir A.) raised the first independent Regiment in Upper Canada and that he was Colonel of it, and for a long time he received his pay as such, and was glad of it. And he thought the hon. member wrong in saying he received no pay, for he did receive it. It was true he did not put it into his pocket; he applied it to gratify his pride, but still he received his pay.<sup>81</sup>

MR. HOLMES continued.<sup>82</sup> The hon. member, then, had received his pay as Commandant of the Frontier, for some<sup>83</sup> twelve<sup>84</sup> months, and as Colonel of Militia for eighteen months.<sup>85</sup>

SIR A. MACNAB.--And £66 13s. 4d. besides.<sup>86</sup>

MR. HOLMES.--A great deal had been said about loyalty, and what a British Minister had said about the causes of disloyalty in this country. He (Mr. H.) was not ashamed to say that he had taken part in putting down the Rebellion; but he had not then searched narrowly enough into the causes of it, for if he had searched as much into them as he had done since, he would not have been found on that side. He would be<sup>87</sup> ashamed to take the side again of those who had caused the Rebellion because he did not hold the opinion that the dictates of the Crown were to be followed, however tyrannical. Now, he had too much respect for the Constitution to believe<sup>88</sup> it was the intention of<sup>89</sup> the Ministry or the Queen<sup>90</sup> to tyrannize<sup>91</sup> over her native born subjects or the colonists. It was a happiness that day, that through this rebellion the Colony had obtained a transcript of the British Constitution<sup>92</sup> and it was because they had got it that they had heard the language from the members opposite, which they held against members more loyal than they are.<sup>93</sup> He said that, because he had heard loud reports of a certain meeting at the Bonsecours Market,<sup>94</sup> and about the sentiments expressed by some of<sup>95</sup> the very loyal men opposite; and they had heard that one speaker there<sup>96</sup> the loudest at that very meeting<sup>96</sup> said that he hoped that it would not be long before he would see the stars and stripes flourishing over Montreal<sup>97</sup>.

Hear, hear, from Ministerial benches<sup>98</sup>.

Cries of name, name, from COL. GUGY.<sup>99</sup>

MR. HOLMES ((continued:)) For his own part, he believed the present Constitution was<sup>100</sup> far superior to anything which could be found on this side of the Atlantic,<sup>101</sup> for it gave a Government strong in itself, and creditable to the Sovereign, capable of being carried out to preserve Canada as a jewel in the British Crown. But if the principles that had before driven the country into rebellion were to be again acted on, the same result must occur. At the period of those unhappy troubles, he, in common with hundreds, nay thousands, was hurried into declarations in support of opinions which he had never studied; but relying upon the political honesty of parties, who, even at this day, have so far forgotten their duty to their country, as to avow their admiration of what they choose to call the fearless rectitude of purpose displayed by a Returning Officer, who, at the last election for Oxford, carried away



by party zeal, did his utmost fraudulently to deprive the electors of their rights, bring into contempt the laws, and subvert the liberties of the people, and acted in direct opposition to his duty and to the oath he had taken. Relying, he said, on the political honesty of such parties, he was induced to pursue a course at that period, which he had since deeply regretted, and which, though called loyalty, had been described as treason to the people. In fact, the conduct of the men with whom he acted in 1838 had been so unjust, that he had become ashamed of them, and he now rejoiced to think that he was in opposition to them.<sup>102</sup>

MR. H. SHERWOOD said that the hon. member who had just sat down had said that he had changed his opinion; he admitted that in 1837-'8 he was one of that class of persons described by the hon. Solicitor General for Upper Canada, and that he was one of the parties that learned gentlemen so loudly condemned but when was it that the hon. member changed his opinion?<sup>103</sup> He thought the hon. gentleman had been cautious enough,<sup>104</sup> he had supported the party on his (Mr. S.'s) side long after the rebellion, indeed until he found that the other party were getting to be the strongest,<sup>105</sup> (hear, hear.)<sup>106</sup> when he changed his opinion, because he no doubt thought that it would be more profitable to go with the majority than to remain with the minority. There were people who changed their opinions for the sake of lucre--(hear, hear,)--<sup>107</sup> and some changed for the love of gratifying their own pride, as the hon. member had done in giving up his salary as a colonel of militia. It ought to be borne in mind, however, that if<sup>108</sup> the hon. gentleman had changed his opinions<sup>109</sup> conscientiously<sup>110</sup> because he believed that those which he formerly held were erroneous, he ought not to have charged those who remained with not believing in the opinion they supported, or he admitted that while he held them he did not believe in them; but it had been said that the hon. member was one of the most violent men at the time, the one who led the people of Montreal, and the person who had dragged most men to gaol without warrants.<sup>111</sup> He would like to ask the hon. member for Montreal how many persons he had committed to gaol without warrant?<sup>112</sup>

MR. HOLMES.--The only person whom I placed in durance was the hon. Mr. Viger.<sup>113</sup>

MR. SHERWOOD.--Had you a warrant for his committal?<sup>114</sup>

MR. HOLMES.--I had a verbal warrant from a composite authority.<sup>115</sup>

MR. SHERWOOD.--Well<sup>116</sup> the hon. member had acknowledged he only committed one; but "public notoriety" said<sup>117</sup> he sent dozens to goal (sic), and he should, therefore, be convinced of having done so. The hon. member had talked about the members on his (Mr. S.'s) side having paid Rebels by their paying a sum to an hon. member; but he did not think he could apply that charge with justice to them, when he knew that it was for a just debt before the troubles commenced. What had the members opposite done? They had done nothing else but justified the Rebellion of 1837. Nothing else could be a justification for their bringing forward such a measure. The hon. Solicitor-General West had<sup>118</sup> also run the changes on the word "loyalty." He said there were two descriptions of loyalty--there was loyalty to the people as well as loyalty to the Crown.<sup>119</sup> He would now proceed to show this loyalty from the

address of William Lyon McKenzie, the Commander-in-Chief of the loyal Rebels of Upper Canada. The hon. member here read an extract from W. L. McKenzie's Address<sup>120</sup>. "Mark all those who join our enemies, act as spies for them, or aid them. These men's properties shall pay the expense of the struggle. They are traitors to Canadian freedom; and, as such, we will deal with them."<sup>121</sup> The hon. member continued: This is the course which is now intended to be followed by the Government; they intend to take the property of the loyal people of Upper Canada to pay for the losses of the Rebels.<sup>122</sup> The Hon. Solicitor General West had ransacked history, from James the Second down to the present time,<sup>123</sup> to prove that there were two kinds of loyalty,<sup>124</sup> or to attempt to prove it. He had gone further he had said his blood curdled when he thought of the atrocities committed during the late rebellion, by Her Majesty's troops in 1837 and 1838. He would ask, did not the blood of hon. gentlemen curdle when he<sup>125</sup> spoke of our Savior, and compared his crucifixion with the just punishment inflicted upon<sup>126</sup> the felons who had suffered the just punishment of their crime?<sup>127</sup> Was it right for the member to compare the punishment of men, condemned by the Courts of Justice, with the persecution of our Saviour? Was that an argument to be used in a Christian country?<sup>128</sup>

MR. SOL. GEN. DRUMMOND rose to order. It was not fair to misrepresent his hon. friend near him. He would put it to the House whether the expression of his hon. friend would bear the construction put on it by the hon. member.<sup>129</sup>

MR. SOL. GEN. BLAKE had heard many misrepresentations of a similar character, but he would tell the hon. member that was the parallel he had drawn.<sup>130</sup> He did not compare the fate of those men who had suffered by the laws of our country to our Saviour; he said that the people who cried for the crucifixion of our Saviour pretended to be actuated by loyalty; they cried to the Roman Governor, "if thou lettest this man go, thou art not Caesar's friend."<sup>131</sup>

MR. H. SHERWOOD said that was exactly what he had said, and he<sup>132</sup> left it to the good sense of the House, whether he had not interpreted the hon. gentleman fairly, and he would say it was not right to draw such a parallel in a Christian assembly. The hon. member for Richelieu had come before the House and admitted that he had borne arms against Her Majesty's troops, and said that he regretted some circumstances which had occurred at that time<sup>133</sup> but at the same time admitted that he opposed the troops of Her Majesty<sup>134</sup>. He (Mr. Sherwood) did not know what particular circumstances those were, but he admitted that he was in arms, and it was known that he had killed, perhaps it would be too hard to say murdered some of his fellow-subjects, and yet he had called God to witness that his conscience was clear of crime.<sup>135</sup>

DR. NELSON.--Yes, the troops murdered first.<sup>136</sup>

MR. H. SHERWOOD continued.--The hon. gentleman had also said that there was no warrant issued for his apprehension. Did that hon. gentleman forget that he was present at a public meeting where the inhabitants of several counties attended, and passed resolutions to the effect that they would resist the legal authorities and the troops?<sup>137</sup>

DR. NELSON.--Not at all.<sup>138</sup>



MR. SHERWOOD.--How was it, if the hon. gentleman had no dread of assault or a warrant, that he barricaded his house? Now he, in company with the other gentlemen on his side of the House, would protest against the payment of the losses of rebels out of the consolidated funds, and he would protest against the payment of any losses whether loyalists or not in Lower Canada out of the consolidated funds, for the people of Upper Canada, he was confident, would never consent to the measure. He did not mean to say they would resist the legal authorities, but he would say that when the time came for<sup>139</sup> exercising their rights, hurl the members opposite who proposed the measure, from their seats<sup>140</sup> with indignation.<sup>141</sup> He must, in the next place, protest against the payment of the losses of persons who were engaged in the Rebellion at all, from any fund. The members opposite said that they were only following out the Resolutions and measures of the late Ministry; but could any one of them say that the late Administration ever intended to pay the losses of any other than the loyalists?--Was it not clearly stated by the late Inspector General, in answer to the member for Two Mountains, that they did not intend to pay the losses of the Rebels.<sup>142</sup> But if the hon. gentlemen really thought that by introducing this resolution, they were following out the course pursued by their predecessors, why did they not fulfil all their promises and follow them in every other instance? But, in reality, that was nothing but a mere subterfuge, for the late Ministry never had any intention to repay the losses of rebels, but the present had made up their minds to do so long before they came into office. Another hon. gentleman had said that he felt bound to support the resolutions as his conscience would not allow him to do otherwise, when he understood the claims of the French Canadians. He would like to know what was the reason there was such a change in that hon. member's opinions so shortly after he took his seat last Parliament?<sup>143</sup>

MR. W. SCOTT rose and said that when he gave them his support a different state of things existed.<sup>144</sup> He had said to himself, "The form of Government is now different from what it used to be. We have now Responsible Government, and I said I will give the late Ministry a fair trial"<sup>145</sup> whether they were Whigs or Tories, and he did so.<sup>146</sup> He had withdrawn his support when he found they deserved it no longer.<sup>147</sup>

MR. SHERWOOD.--The hon. member supported them until he was told that they would not pay the losses of those engaged in the Rebellion and no longer. He, (Mr. S.) did not know whether he was personally interested in getting the measure carried through or not; public notoriety, however, said that he was a claimant for £500, which, with the<sup>148</sup> £23,000<sup>149</sup> said to be claimed by the hon. member for Richelieu, would make<sup>150</sup> rather more, than<sup>151</sup> one-fourth of the whole sum asked for by Government.<sup>152</sup> In conclusion, he would like to ask the Hon. Solicitor General, how he could reconcile the language he had made use of, respecting the illtreatment of the Liberal party, in both sections of the Province, with the fact<sup>153</sup> ((that he)) had accepted a Commission from Sir F. B. Head, after his being guilty of all that he had attributed to him? and how had he assisted to put down the Rebellion which he now justified? The hon. member was now in a different position from what he was then, another party was now in power, and he thought it might be more profitable to support it than that which he formerly did.<sup>154</sup>

MR. SOL. GEN. BLAKE.--I never asked for office.<sup>155</sup>

MR. SHERWOOD.--Neither did I.<sup>156</sup>

MR. WILSON regretted that the Debate had been carried on with so much warmth, and thought it ought to have been decided on previous to the passing of the Amnesty Bill. In his opinion the respect due to Her Majesty, who had suggested that Act of oblivion, the respect due to themselves should have induced them to argue this question in a different tone. Hon. members had been told that there had been great misrule in both sections of the Province under the old form of Government, and some appeared inclined to think that there would be quite as much misrule under the present system. That was altogether a matter of opinion.<sup>157</sup> He was quite contented with the former kind of Government, but since a new system had been introduced, situated as they now were, he was willing to give it a fair trial<sup>158</sup> as there was no doubt it was the constitution best fitted for the Province in its present condition. At the same time<sup>159</sup> hon. gentlemen, who were warmest in its favor, must have seen that it had brought into existence ambitious men,<sup>160</sup> who, having obtained office and power, availed themselves of the first opportunity to exchange for more quiet and comfortable places.<sup>161</sup> That was one of the evils of the present system.<sup>162</sup> They have been informed also that the Upper Province was misruled by the Family Compact, an expression which was made use of by way of reproach for many years; but he would say that there would be misrule<sup>163</sup> to some extent<sup>164</sup> under any form of Government, and he would defy hon. members who had disclaimed against the Family Compact to find another body of men in Canada so capable of conducting the Government, and who used their power so leniently.<sup>165</sup> He did not mean to say that they did not make mistakes; but they, upon the whole, had acted wisely, and for the benefit of the country.<sup>166</sup> In fact, the only wonder was, that they had shown so much leniency and wisdom in the use of their power. In a speech from the other side of the House, it was stated that the rebellion was not against the Crown, but against the local Government. He could not see the one distinction pointed out in that speech. And he would ask hon. gentlemen who had watched the progress of events at that time, to point out where that distinction was kept in view? What was the object of the occupants of Navy Island? What was the object of Mackenzie and his associates?<sup>167</sup> Did he not say that he intended to overthrow the power of the Queen?<sup>168</sup> And what were the intentions of those men who took up arms in this section of the Province? Was it in any one case kept in view that the object of this insurrection was not to overturn the rights of the Crown, but to effect a change in the local Government? For his part, he had never perceived, and could not make, such a nice distinction. But it now appears that there was in truth no rebellion; it was nothing more than a petty outbreak<sup>169</sup> got up by the loyal people<sup>170</sup> and the troops and well-disposed people kept up the excitement, and made the rebellion. Now he would ask those hon. gentlemen who had broached this singular doctrine, what was the meaning of the meetings and trainings? how was it that the bonds of society were shaken to their very centre? and how was it that men previously well-disposed to each other then showed distrust, and that every one looked with suspicion upon his fellow, and then explain, if they could, whether there was no rebellion predetermined on?<sup>171</sup> Well, a Rebellion had taken place, and they were now called upon to pay the losses incurred



through it.<sup>172</sup> He was willing to pay losses of a certain class, and to pay them out of the consolidated fund, for he could not see the difference between the measure proposed for paying the losses in this case, and the proposition of the late Ministry for paying the Upper Canada losses, for he did not think any person could be so blind as not to see that the tavern license fund formed part of the consolidated revenue, and he therefore could not see any objection to pay the Lower Canadian losses out of the consolidated fund. But what kind of losses is it proposed to pay? In his own mind, he made this broad principle--that every person who had suffered a loss, and had not been instrumental in bringing about that loss, should be paid. (Hear, hear.) But it had been said that after the insurrection was suppressed, and all apprehension had ceased, there was great destruction of property by the royalist forces. But, in reality, apprehension did not subside immediately; it was kept up for a long time after, and no one knew, from the state of excitement, what was about to happen. It was therefore absurd, to ((think)) that a line should be drawn from a certain point, and say after a certain number of days you shall not occasion any more destruction. The only effectual mode of suppressing rebellion was to do it with determined resolution. But if any person who, without taking any part in the insurrection, had his property destroyed, he should say that person has a right to be indemnified (hear);<sup>173</sup> not only paid but paid promptly, and out of the consolidated fund--(cheers); but that any person who aided, assisted, or abetted the Rebellion, should not be paid a single farthing (cheers.)<sup>174</sup> Before sitting down he would remark that the resolutions were very ingeniously drawn up.<sup>175</sup> The hon. members opposite had told them that the hon. members on his side had never done anything right--that all they did was wrong. Well, the hon. members opposite must be wrong, therefore, in carrying out the resolutions of the former Ministers.<sup>176</sup> (Hear.)<sup>177</sup>

MR. BADGLEY said that the debate had chiefly been carried between members from Upper Canada, but the members for Lower Canada, of British origin, had also something to say, because they had been termed rebels, at least they had been called the cause of the Rebellion. It would be well for members who made such assertions to look at the state of Lower Canada in those days; what was its position in reference to its population? There were 150,000 of the population of British origin, while 400,000 of it were of French origin, and the British population was to be found on one side, and the whole of the French Canadian population on the other. Let them also look at the representation in the House of Assembly, out of 88 members the whole British population had only 11 representatives; let them look again in the Eastern Townships where was to be found the great mass of the British people, in a position where they could not possibly interfere with the French Canadian population. The other part of the British population were scattered over the whole country in small numbers, and was it possible for these individuals to tyrannize over the large number of Canadians around them. The hon. member then went on to refer to the feelings which actuated the majority of the members in the Lower Canada House, and referred to their conduct in granting the supplies; this he stated merely to show that the minority should always be represented, and who composed the minority at that day! Merchants, manufacturers and agriculturists, as good and peaceable citizens as could be found

in any country; yet they were told that those persons caused the rebellion.<sup>178</sup> Had these British people nothing to lose. Certainly they had, and certainly they had a right to be heard in the business of legislation; but this right to be heard had not been accorded down to the time of Lord Durham.<sup>179</sup> When Lord Durham came he was astonished at the evils which they labored under, and it was then, for the first time, that they obtained a fair share in the representation.<sup>180</sup> He spoke as a descendant of one of the earliest English settlers of the country, and he declared that he had never felt or heard any of the bitter animosities of race up to the time of these troubles, and those animosities had escaped from him since.<sup>181</sup> The hon. member then went on to speak of the Resolutions before the house, and referred to the Resolution and Act passed for the payment of the Upper Canada losses, and to the former Resolutions relative to the Lower Canada losses; and then to the Commissioners appointed to enquire into the losses, to show that it was never intended to compensate the losses of any who had taken part in the Rebellion.--The Commissioners were appointed to enquire into the losses sustained by Her Majesty's loyal subjects; they were carefully to classify the losses sustained by parties engaged in the Rebellion from those persons who were not; and the instructions given to the Commissioners were intended merely to guide them as to the kind of evidence that they should receive; it directed that they should only be governed in classifying the claims by evidence as would be received by Courts of Law, that they should not receive hearsay evidence. The Commissioners were to enquire into all the losses sustained, and carefully to classify them; as to the kind of claims to be paid, it was to be regulated afterwards by the Government.<sup>182</sup>

DR. BOUTHILLIER dit quelques mots très à propos à l'appui des résolutions et dépeignant bien la conduite audacieuse des troupes de Sa Majesté. Officiers et soldats allaient se loger chez les particuliers où ils se faisaient maîtres de tout. Il parle avec connaissance sur ce sujet, sa propre maison a été assaillie de la sorte et il a éprouvé des pertes considérables. Cependant il n'a pas fait de réclamations et il n'en veut pas faire.<sup>183</sup>

MR. SEYMOUR said the hon. member for London had fallen into error with regard to the Tavern Licenses; it was true the Tavern License fund was formerly part of the Consolidated fund, but when that fund was alienated from the Consolidated fund, the Tavern Licenses fund was immediately charged with the payment of the losses of Upper Canada, whereas the fund of Lower Canada was immediately given up to the districts.<sup>184</sup> The President of the Council said that the losses there to be paid were of the same type and character as those paid in Upper Canada. Then, why not pay them from the same fund, although it had been given up, it might be charged for that purpose.<sup>185</sup> Why not charge them on the Tavern Licenses fund; and place the two Provinces on the same footing? The statement made by the President of the Council differed somewhat from that made by the Inspector-General. At all events, the Inspector-General, when asked if such claims as that of the hon. member for Richelieu were to be paid, chose to remain silent, and from that the members of his (Mr. Seymour's) side of the House took it for granted that they were to be paid. There were no such claims permitted in Upper Canada.<sup>186</sup>



MR. INSP. GEN. HINCKS rose to explain.<sup>187</sup> He had only remained silent because it was impossible for him to say whether one person or another would be paid. That would be determined by the Commissioners who would be appointed, who alone could decide as to who would be paid, and who would not.<sup>188</sup>

MR. SEYMOUR--Then why was the remark made that there was to be no Star Chamber appointed<sup>189</sup> to enquire who was not? They had been told that the Tavern Licenses Fund was larger in Upper Canada than in Lower Canada. How did that happen?--not because there were more Taverns in Upper Canada than in Lower Canada, but because the Magistrates in Upper Canada taxed the Taverns higher than they were taxed in Lower Canada. If the taxes were raised as high as they was (sic) in Upper Canada, the Lower Canada Fund would be as large as the Upper Canada one.<sup>190</sup> They had been told by the Hon. Commissioner of Crown Lands, that the cause of the Rebellion was the agitation of the Clergy Reserves question, and in the same breath he called upon the Ministry for the new agitation of that question. He could not at this distant day say whether the division of the Reserves was a fair one, but the question was settled by the Imperial Parliament, and we had no longer the power to settle it. If, therefore, they should agitate the country on the question, and the Imperial Parliament afterwards refused to repeal the law, why they would bring on another rebellion. He believed the rebellion was caused not by the Clergy Reserves question alone, but by the stopping of the supplies and the result of the elections of 1838; when McKenzie and his party being defeated, were unwilling to wait for a new election.<sup>191</sup> They had been told that election was carried by force, and by the issuing of large numbers of Deeds; but there was never an election which better expressed the opinion of the people than that election. He should vote for the amendment. He thought the measure was so important a one, that it should be delayed until they had an opportunity of hearing the opinion of the people of Upper Canada upon it.<sup>192</sup>

DR. LATERRIERE.--La mesure sous considération prouve plus que ne le feraient des volumes; la justice d'abord, le bon, le noble coeur des membres de la présente administration. On y trouve le pardon des injures, l'oubli du passé, les vertus et la charité toute chrétienne qui font les honnêtes gens, les saints et les martyrs.

Je voudrais aller plus loin, moi, je voudrais faire quelque chose pour les familles de ceux qui ont péri, soit glorieusement sur le champ de bataille, soit ignominieusement sur l'échafaud.

Le temps des réparations est enfin venu, l'opinion publique, cette reine puissante à laquelle les majorités délibératives sont responsables, se prononce de plus en plus, s'est proncée en faveur de cette mesure. Qui oserait donc s'opposer à l'accomplissement d'un tel acte de justice? La précédente administration, sans manquer à la bonne foi, pourrait-elle aujourd'hui vouloir répudier ce qu'elle a elle-même proposée, ce qu'elle a elle-même accompli, enfin son enfant légitime. Voudrait-on en la repoussant, en s'adressant aux mauvaises passions, faire surgir de nouveaux troubles, peut-être plus déplorables que par le passé; n'avons-nous pas eu un exemple éclatant de ce que peuvent les passions, même dans l'enceinte de cette Chambre? Les placards dont sont couvertes les murailles de cette ville depuis avant hier, les rassemblements qui se sont faits en conséquence ne décèlent-ils pas l'intention criminelle

d'intimider, de gêner, d'étouffer la voix de la représentation nationale? Mais nous disent aujourd'hui les ultra-loyaux qui ont donné si gracieusement l'impulsion à cette mesure, lorsqu'ils étaient à la tête de l'administration, ce serait inviter les gens qui ont tout à gagner et rien à perdre à de nouvelles révoltes.

D'où leur est donc venu cette pensée rétrograde et tardive?

Pour tranquilliser la conscience délicate de ces messieurs, combattre leurs fantômes, la doctrine conservatrice qu'ils invoquaient de tout et partout, par des déclamations qui ont déjà coûté à la province depuis le commencement de cette session une somme qui aurait pu payer sans exagération la bonne moitié de l'indemnité en question. Consultons l'histoire, personne n'est dupe de cette tactique permanente, si préjudiciable aux intérêts du pays. Qui aurait osé, il y a un siècle, proposer l'abolition de l'inquisition, la servitude des blancs, l'émancipation des noirs, les tortures, la noblesse privilégiée, les lettres de cachets, l'émancipation de l'Irlande, la réforme en Angleterre, etc. Eh bien! pourtant ces abus, ces horreurs qui avaient de si puissants défenseurs ont disparus. De plus grands pouvoirs que ceux qu'avait la présente opposition l'année dernière, sont de nos jours menacés. L'on voit la moitié de l'Europe s'armer contre l'autre moitié, pour faire prévaloir l'absolutisme contre la liberté et la raison, mais là comme ici il faut espérer que la souveraine raison l'emportera. Nous avons eu assez de fracas en 1837, sans voir surgir de nouvelles perturbations en '49, de la même cause et presque par les mêmes hommes. Grâce à nos troubles, je le dis, grâce à nos convulsions sociales, notre position est bien changée.

Qui aurait osé dire qu'en proclamant l'acte d'Union fait pour anéantir ces rebelles de canadiens, qu'en 49, ces proscrits, les plus coupables en apparence aujourd'hui comblés des honneurs, les plus grands dignitaires de la colonie, possédant la confiance de leur souveraine et du peuple souverain, se trouverait en face dans le sénat canadien, feraient pâlir encore une fois de colère, ceux qui les auraient fait pendre pour la plus grande gloire de leur domination machiavélique.

Une lutte de 50 ans, une glorieuse lutte de raison jusqu'en 1837, pour nous canadiens n'a pas pu prévaloir.....Ce que la raison n'a pas pu faire, des malheurs l'ont accompli. Un retour providentiel, inespéré à un meilleur état de chose, sont les preuves irrésistibles, qu'un peuple loyal et généreux peut tout ou tard revendiquer ses droits.

J'avoue que ceux qui font sonner si haut leur jadis loyauté, qui sont en paroles plus loyaux même, que notre gracieuse souveraine, ont bien raison de se plaindre de ce revirement, de nous menacer d'un démembrement, de passer à l'ennemi même, puisque cet état de chose leur déplaît souverainement et ne leur convient plus.

Eh bien! qu'ils y passent donc, si l'envie, la jalousie, peuvent les porter à commettre un tel acte de déloyauté, de fratricide. Pour nous canadiens restons attachés à l'empire, c'est notre salut; l'annexion aux Etats-Unis, serait le plus grand malheur qui pourrait nous arriver. Aurait-on jamais pu prévoir une semblable révolution dans les esprits? Le lord Sydenham lui-même, s'il revenait à la vie comme dans Figaro, ou le Barbier de Séville, ne pourrait-il pas dire comme le principal personnage de cette comédie: "Bartholo, mon ami, ou Thompson, si vous voulez, tu n'es qu'un sot."

Le plus grand bien découle toujours du plus grand mal, lorsqu'il ne



ne nous tue pas. N'avons-nous pas passé au commencement de cette session un acte d'amnistie?

Les plus mécréants d'entre nous, s'ils ne se trompent point en croyant tromper la divinité, ne disent-ils pas tous les jours: "Mon Dieu, pardonnez-nous nos offenses, comme nous les pardonnons à ceux qui nous ont offensés, ne nous laissez pas aller à la tentation, mais délivrez-nous du mal, etc." Halte là! le contraste est trop grand, trop frappant, entre les lois immuables de la souveraine justice, et l'exécration politique qu'a fait le malheur des Canadas, que l'on voudrait faire revivre à tout prix pour que l'on puisse hésiter un instant entre l'adoption des résolutions que l'on nous propose, ou la perpétuation des abus que l'on invoque d'un autre côté. Ce serait à n'en point finir, s'il fallait reviser et commenter tout ce qui s'est fait d'injuste au Canada depuis 50 ans. La réforme est heureusement commencée, il faut avoir le courage de l'accomplir.

Je concluerai par déclarer que je voterai pour le principe extrêmement équitable des résolutions, basées, comme ... sont, sur l'oubli du passé, la réparation des torts et des injures, moyen de faire revivre et de perpétuer la bonne entente entre les habitants de cette province.<sup>193</sup>

MR. STEVENSON could not see why this question should be pressed upon them at that time. There were many other questions of importance before the house, which deserved to be taken up before it. They were called upon to vote a large sum of money, and were their funds in such a flourishing condition that they should desire to force on such a measure?<sup>194</sup> Would issuing these debentures raise the credit of the Province?<sup>195</sup> He looked upon it as a question, the like of which had never been brought before any Legislature, whether they should pay the losses of the persons who had been in arms against their Sovereign. Was it a question to be forced on the country without notice? Yet, strange as the question was, it did not appear to him so strange as the conduct of members opposite. It was strange to hear the members opposite stand up, hour after hour, in defence of Rebellion--(cries of no, no.) At any rate<sup>196</sup> there was not a word to blame rebellion from the other side. He had almost been led to doubt there had been no rebellion at all. The hon. Solicitor General (West), however, had cited many cases from English history<sup>197</sup> ((and)) had spoken very compassionately about the cruelties committed on those who had participated in the Monmouth Rebellion; but he could not see any thing in all he said which could justify a rebellion in Canada. The whole tenor of the hon. gentleman's remarks was to prove that rebellion was necessary; but he (Mr. S.) did not see any analogy between the cases which he cited, and those which existed in this country. He was surprised to hear the hon. gentleman denounce Canadian loyalty as spurious; but if there was spurious loyalty, there was also spurious patriotism, which trampled on the rights of the people for the worst of purposes. The hon. member then went on to comment on the various causes assigned by hon. members opposite, for the Rebellion.<sup>198</sup> ((One)) gentlemen (sic) thought the cause was the Clergy Reserves. There happened, however, to be no Clergy Reserves in Lower Canada--certainly not of the Church of England.<sup>199</sup>

Nor any other.<sup>200</sup>

MR. STEVENSON ((continued:)) Well, he supposed he was mistaken; but he had heard there were tithes due in Lower Canada. But, stranger than all, another gentleman thought the cause of rebellion was, that the people of the country did not enable him to get a living. That gentleman had left his country for his country's good; but it seemed a stranger reason for rebellion than any other. He never supposed that hon. gentlemen opposite were rebels, till he heard some persons say that a Portion of their party had been forced into rebellion. However, it was very strange that it should have been necessary for the large majority of the people of that part of the country to assemble large forces to protect themselves against a small minority. As to Upper Canada, he knew that property and person (sic) was protected before the rebellion; and he heard it for the first time, that the sources of justice in Upper Canada were corrupted. Nor did he believe the accusation was true as regarded Lower Canada. Lord Sydenham saw only that this was so in the case of political offences. The Reformers of that day did not make that charge against the Government. He had heard a great deal more said against Sir Francis Bond Head than against MacKenzie, who had robbed the mail and killed Col. Moodie. The hon. gentleman had alluded to the unnecessary hangings, as he said, of Sir George Arthur. When he disagreed with his Council, he appealed to the country; and he asked what more could be done by a Responsible Government? Then, again, it was said that Reform Parliaments were always dissolved while Tory Parliaments sat the full time. Now, he knew none that were dissolved, except that of 1836, which was dissolved for stopping the supplies. He considered a proposition to pay rebels perfectly monstrous; and that it was intended to do so, was evident, because the hon. member for Richelieu had offered to give up his own share in order that his fellows should get theirs. When these people went into rebellion, they cast the die; they expected to become great men, and they ought not to complain if they are disappointed.<sup>201</sup> They should ... suffer the consequences of their own acts, and ... they were entitled to no compensation because they had failed.<sup>202</sup> The measure was disapproved by a large majority in Upper Canada, and not a small minority in Lower Canada.<sup>203</sup>

MR. J. SMITH (Durham) remarked, in reply to the hon. member Frontenac, that as the gentleman had declared that he (Mr. Smith) would not be elected if he voted for this resolution, he would state quite as candidly that he thought that hon. member would not again be elected, let him vote which way he would. (Laughter.) The hon. member would do well to look after his own constituents, and take care he is not tripped up by one Sam Weller. (Laughter.)<sup>204</sup>

MR. SOL. GEN. BLAKE rose for the purpose of correcting one or two misrepresentations of what he said, made by the hon. member for Hamilton, he (Mr. B.) was deeply pained to hear the hon. and gallant knight attribute to him observations against the Chief Justice of Canada, he would frankly state there was no man in the Province whom he more unfeignedly respected, he could appeal to his hon. friend from Simcoe (Mr. Robinson) he could appeal to his whole life, to all the most intimate conversations he had ever held, to know if any man had heard drop from him one single expression derogatory to the character of the



Chief Justice. (Hear, hear.) He could appeal to his own written and printed statement, that he was an ornament and honour to his country. Nor, had he said one word against the Justices on the Upper Canada Bench, all of whom he much respected, the language he had used the other evening, was not his own, he had read from the reported opinion of Lord Durham. He (Mr. Blake) had not said that the Duke of Richmond was a robber, that was the expression of the hon. member for Hamilton himself, but he had said, in the language of Lord Aberdeen, that the Duke of Richmond had taken the money of the people of Lower Canada unconstitutionally, which hon. members would perceive meant a different thing. He had not said that Lord Dalhousie was a robber, but he had said also, in the language of Lord Aberdeen, and Durham, that he had taken the purse of Lower Canada without the constitutional authority of the House of Assembly, and had used it. He had not said that Sir George Arthur was a murderer, but he had said that he carried Capital Punishment beyond the limits which his instructions authorised, and that it required the intervention of Lord Durham to prevent it. He had not attacked the character of Lord Metcalfe, but he had attacked his Responsible ministers, who were, in his opinion, the only persons who could be with propriety attacked. He had been misunderstood on many other points, which he could not now go over. He had, however in glancing over the papers found his language very materially altered, so as to change its meaning. Not that he meant to attribute to the press anything unfair, for he must say, that the exertions made by the press, to report the proceedings of the House were highly creditable, such, in fact, as he did not believe were made in any other country of our standing, or anywhere but in England.--Where the person reporting was only engaged for half an hour during an evening, it was utterly impossible for one or two individuals to report correctly what took place, so as to have it published next morning; but there had been a meaning given to his observations, not only which he did not intend but which he deprecated.<sup>205</sup>

SIR A. MACNAB.--If he had misunderstood, the hon. and learned Solicitor General, he had done so in common with many other hon. members. The hon. member had spoken with a great deal of warmth, and he (Sir Allan) doubted very much if he himself remembered what he had said. The hon. member had certainly said, in language quoted from Lord Durham's Report, that the Administration of Justice in Upper Canada was corrupt.<sup>206</sup> He was glad to hear the explanation.<sup>207</sup>

MR. SOL. GEN. BLAKE.--There was no such thing in Lord Durham's report, the passage related to Lower Canada. (Hear, hear.)<sup>208</sup>

COL. PRINCE said that the tone of the debate, from the very commencement, had been anything but proper, but as it had been very generally adopted by hon. members, he hoped to be permitted, before the question was put, to give his opinion on several points which had involved his personal character to an extent under which no Briton could remain silent. He amongst the rest had been charged with being a rebel, and it was impossible for any man, English, Irish or Scotch, who lived under the aegis of the English constitution, to submit to that charge without speaking in defence of himself. In the course of his speech he would endeavour, as much as possible, to avoid personalities;<sup>209</sup> several members have said that there have been great personalities used;<sup>210</sup>

there had been vast excitement had prevailed for many days past, not only in the House, but out of doors. With what occurred out of doors they had nothing to do; but they on his side of the House were not to be blamed for these results. If blame attached to any body, it surely must be to the Ministry, who mooted the question and introduced it; they on his side of the House<sup>211</sup> did not ask to pay the Lower Canada Rebels;<sup>212</sup> they were quite content to let the ordinary business of the country go on quietly, without the introduction of Resolutions like these, which were exciting the people from one end of the Province to the other. If, therefore, there was any blame to attach to any one for this excitement, for God's sake let it be put upon the right shoulders (hear, hear)<sup>213</sup>, and not upon innocent parties.<sup>214</sup> It had been said by a member of the Government that the hon. and gallant Knight from Hamilton, and the hon. member for Toronto, and all those who supported the Government of that particular day, were the cause of the rebellion. It was distinctly, plainly, unequivocally stated. That assertion he could not allow to pass without contradicting it face au face, as the Frenchmen said. That statement was an entire falsehood.<sup>215</sup> Utterly absurd and false.<sup>216</sup> What, Sir Allan McNab a rebel, or the cause of rebellion! The hon. member for Toronto a rebel! They who had been brought up in principles of allegiance to their Sovereign, were they, because they had supported the government of Sir Francis Head, to be stigmatised as rebels! Neither the hon. and gallant knight nor the hon. member for Toronto had taken any part in that Government, and yet they were charged with being part and parcel of that Government which it was asserted had caused the Rebellion.--With regard to himself, the House should have his history by and bye, and they should have to say if he had ever encouraged rebellion. The greatest curse that ever fell upon him (Col. Prince) or his family was, that he had ever heard of "this Canada," because here his loyalty had been a disadvantage and a stigma to him,--because loyalty had been discouraged by those who were disloyal; and owing to the truculent conduct of successive Governors, disloyalty seemed to have been growing here. There was no concealment about it. It had been said by the gentlemen opposite, that those who resisted the law in former days were really the men of character and credit in the country, whilst every individual who stood up in defence of his country was a disloyal man and a rebel. He had always understood that a loyal man was one who obeyed the laws of the country, but the Commissioner of Crown Lands had told them that ... Sir F. Head's Government<sup>217</sup> was the cause of the Rebellion and that all who supported it<sup>218</sup> were the real rebels. Well,<sup>219</sup> he (Col. P.) supported Sir F. B. Head, and<sup>220</sup> according to the doctrine of his colleague, the hon. member for Kent (Mr. Cameron) was a rebel, the President of the Council (Mr. Merritt) was a rebel;<sup>221</sup> like himself, and why? Because<sup>222</sup> they obeyed the laws and stood up in defence of their country in time of danger. That was the only inference that he could draw from the language of the Hon. Commissioner of Crown Lands. He (Colonel Prince) would not call certain persons rebels in return, but he would detail a few facts with which history and 'public notoriety' furnished him; he would not call any body hard names, but he would say that there was a day when one Hypolite LaFontaine, according to the practice of Catiline, abrit evasit erripit ab urbe,--that was Latin from Cicero--(laughter)--in plain English, he cleared out. (Renewed laughter.) He would not charge this Hypolite LaFontaine with having



been a rebel, but he had always found in his experience as a lawyer, that absconding was one of the first evidences of guilt. Now, he was told it was 'a matter of public notoriety'--the rule of evidence by which they were now to be guided--that this Hypolite LaFontaine was not the most loyal man in the country,<sup>223</sup> ((he)) had done some very naughty things,<sup>224</sup> and it so happened that he found it convenient to go to France, where he, no doubt, enjoyed himself along with his colleague, the then member for Montreal, of whom he (Col. Prince) should have more to say presently. There was another individual, one Robert Baldwin; but as his learned friend the Attorney Gen. West, was not just then in his place, he would wait till he returned, and in the meantime pass to the Commissioner of Crown Lands<sup>225</sup> because he liked better to speak of a man before his face than behind his back.<sup>226</sup> His hon. friend (Mr. Price) was that was vulgarly called 'jugged.' He did not mean to say that his hon. friend was a rebel, but he was mistaken for one. One James Harvey Price was charged with being a very naughty man in those days and they caught him<sup>227</sup> and they ... put him into quod,<sup>228</sup> and locked him up in the Parliament House, where he was attended by a very old widow--(laughter)--who paid him so much attention, that he afterwards got her a pension. (Laughter.) It was a difficult thing to know why he was put in the Parliament House, but he believed there were so many miserable, misguided men in those days, that the gaols would not hold them all. Well, this Price was taken up, charged with sedition and treason; he might have done nothing wrong, but it was very odd that<sup>229</sup> no one ever heard of the member for Hamilton, or the member for Toronto, or himself being<sup>230</sup> taken upon a charge of treason, or put in the Parliament House.<sup>231</sup> But they would probably be told that there was no reason for putting this man into gaol. He would now refer to what the chronicles of Canada said of some other persons, and by those chronicles he learnt that there was another gentleman of the name of Francis Hincks,--he (Col. P.) did not know any such person--(laughter),--and the reason that this person was not taken and put into prison, was because that he run for it, and got out of the way<sup>232</sup> and the authorities could not overtake him<sup>233</sup>.

No, from MR. INSP. GEN. HINCKS.<sup>234</sup>

COL. PRINCE.--Well the chronicles said so, and it was a matter of public notoriety that upon a certain examination of<sup>235</sup> a venerable old gentleman who was now dead, this same Francis Hincks, in his evidence calmly stated that knew this rebellion was being concocted in Upper Canada; that he was perfectly acquainted with the fact, but did not think it necessary to promulgate it, or to tell his neighbours and friends that the assassin's knife would be at their throats in a short time; in point of fact, he kept the rebellion a secret. These facts were from the Chronicles of Canada. But he must not omit to tell them that there was another famous gentleman<sup>236</sup> of those days, one Robert Baldwin,<sup>237</sup> and he, good-natured man, he might have been a Quaker from his peacable disposition; when Toronto was on fire at both ends; when muffled rebels stalked abroad in the darkness of the night; when murder, assassination, and mad robbery prevailed, he was told that this Robert Baldwin, an eminent lawyer, coiled himself up on his Turkey carpet, packed up his books and papers, and was not seen until the danger was over. He did not

come forth with the<sup>238</sup> learned Chief Justice and the other Judges<sup>239</sup> and marshal himself on the side of order.<sup>240</sup> He did not come forth and follow the Judges of the land, and march side by side with the knight from Hamilton, at the head of the battalion, but remained a calm, quiet, indiscriminating observer.<sup>241</sup> Those on his side of the House who had been charged with being rebels retaliated on these men. He would tell them, and he would tell the whole Province of Canada, Nemo me impune lacessait! He would adopt the Scotch motto, and tell the country that when let alone he was as calm as any person could be; but they should not rouse his blood by charging him with the greatest crime a Briton could be guilty of--viz., rebellion against his Queen and Crown; for of all the infamous, detestable, abominable crimes that could be perpetrated, the worst was rebellion. In his humble opinion, the union with Lower Canada had been a curse to Upper Canada<sup>242</sup>. He would not go into figures to prove it--he was above them--<sup>243</sup> and he would never have supported the Union had he known that would be the result of it. Had he known that they were to be cursed with these eternal bickerings,<sup>244</sup> had he known the one hundredth part of what he now knew, he should have opposed such a measure<sup>245</sup>. Yes, in the name of the common country which he had expected to find<sup>247</sup>, in the name of the public safety--in the name of the preserver of the peace of Canada--he would have forbid the bans of this unhallowed union.<sup>248</sup>

Opposition cheers.<sup>249</sup>

COL. PRINCE ((continued:)) But the day for that was past, and it was for those who lived at a distance to submit for a while. There were members who had joined the gentlemen opposite whom he regretted to see there. He respected the Solicitor General West; he had listened to him with great attention; but he could not believe him to be sincere in all he had said. He (the Solicitor General) was comparatively a stranger in the country; he was eloquent, gentlemanly,<sup>250</sup> kind and generous<sup>251</sup> in private life; the people of Upper Canada showed him marked attention by electing him professor of Law; but his hon. friend advanced a doctrine, that in a British Province there were two kinds of loyalty--that there was a loyalty to the Sovereign and a loyalty to the people;<sup>252</sup> but in the event of the people, being discontented with any particular form of government, they might attempt to overthrow it, that surely could not justify the people in rising up in rebellion.<sup>253</sup> He thought his hon. friend would not sustain that when he had been in Parliament another year.<sup>254</sup>

MR. SOL. GEN. BLAKE did not mean that; a great deal had been attributed to him that he had never said. He had never justified any rebellion, either this or any other. He never said there were two kinds of loyalty, but he did say that loyalty was a compound quality and consisted of loyalty to the Crown, and loyalty to the laws, which bound the prerogative of the Crown, within constitutional liberty<sup>255</sup> and that a person might be possessed of one of these qualities without possessing the other.<sup>256</sup>

COL. PRINCE was glad to hear the explanation of his hon. friend,<sup>257</sup> ((he)) could expect no other sentiments from the hon. gentleman, but whether it was the heat with which his learned friend spoke, or that he



(Col. Prince) was somewhat discomposed by having such a charge made against him, he certainly had misunderstood the learned gentleman, and he was willing to admit that he had done so. He could fancy the learned gentleman promulgating from the rostrum in the Osgood Hall in Toronto, when he as Professor taught the young sucking<sup>258</sup> Attorney law.<sup>259</sup> (Laughter.) How he would instill into their minds those doctrines which, as he well knew graced the pages of the Pandects, of Justinian, of Puffendorf, Grotius and the great constitutional Blackstone; but he had been astonished to find a gentleman, whose perseverance in his profession, and legal knowledge were well known, could promulgate such doctrines, which he felt happy in having given his learned friend an opportunity to disavow.<sup>260</sup> He would now say a few words about<sup>261</sup> another supporter of the Ministry, a gallant Colonel,--the colleague of the Attorney General East, (Mr. Holmes.)<sup>262</sup> Well, how one does change his opinion.<sup>263</sup> When he (Col. Prince) went down to Kingston to Parliament, in 1841, he always thought the gallant member was<sup>264</sup> a most virulent Tory, one of the highest water.<sup>265</sup> But times were changed. He had given them some of the Chronicles of Canada; he would not give them some of the Legends of Montreal. He had been told that in 1837, the gallant member was perfectly awful, that he used to gallop about the streets at the head of his troops, with his sword drawn<sup>266</sup>. Why, he must have looked like Jack the Giant Killer, (great laughter) and he so frightened the women and children that they began to think that he was General Washington risen from the dead, and come to destroy them all.<sup>267</sup> He had the greatest enmity to rebels in those days,<sup>268</sup> there was no need of warrants for the gallant Colonel to clap poor devils in gaol; it was only necessary for him to see a poor fellow without any breeches for him to seize him. (Laughter.) He had also heard something of the hon. member's conduct at the election at St. Laurent<sup>269</sup>, that he acted very violently<sup>270</sup>.

MR. HOLMES.--I was not there.<sup>271</sup>

COL. PRINCE.--He (Col. P.) had heard that in 1841, he made such a speech in his (Col. P.'s) friend, Tattersall's Yard, which so alarmed the Canadians that they fled in every direction. He called upon his friends to go on, to go on, yes, in the words of Marmion, he called upon them to go on, go to St. Laurent and take possession of the polls there, and keep<sup>272</sup> the French Canadians out. These were Legends of Montreal, matters of "public notoriety," which might be true or no. But "public notoriety," was good Parliamentary law, now-a-days, and Parliament might do anything but make a man a woman, or a woman a man.<sup>273</sup> Although public notoriety would be a bad doctrine for some people, for, if it was to be followed, some people would have to resign their seats very soon, for he was told that petitions, yes, crowds of petitions, would be placed upon the table of the house, in a few days, against the measure before them, and he hoped that the members opposite would then stand by their favorite maxim, "that the Government should be carried on according to the well understood wishes of the people." (Hear, hear.)<sup>274</sup> The gallant member for Montreal, had certainly acted very generously and handsomely in disposing of his pay. But he (Col. Prince) could not allow that he had received no pay.<sup>275</sup>

MR. HOLMES.--I was not asked what I received, but what I put into my pocket.<sup>276</sup>

COL. PRINCE.--What has that to do with the question?<sup>277</sup> Whether the hon. member put the cheque in his pocket, or carried it in his hand, made no difference. He had the money, for he disposed of it; therefore, he could not say he got no pay. But surely there was no dishonour in an officer fighting in the service of his Queen, and wearing her livery receiving pay!<sup>278</sup> He knew something of the expenses which officers had to bear, and what his son now in the army required, even though he had got his second commission, and he was proud to say that his son had received his first commission from the Duke of Wellington, as a mark of his approbation of his (Col. P.'s) conduct. He thought the money which the gallant colonel from Montreal received, was distributed in a generous and highly creditable manner.<sup>279</sup> And now, having defended himself at some length from the charge of disloyalty, he must be permitted, before stating the reasons why he would refuse to pay these claims, to defend, as far as his humble ability would permit, a man whose memory was not dead--Sir Francis Bond Head. (Cheers.) He (Col. Prince) knew Sir Francis was not palatable to the majority of this House, and to a great many excellent and worthy persons in Upper Canada; but this dislike, he believed, arose from prejudice. He (Col. Prince) knew but little of him, as he ... was not one of those persons who hung about Government House paying his court to Lords and Baronets;<sup>280</sup> yet, he must say this, that all he saw of Sir Francis, showed that there was an intention on his part to do what was right. He (Col. P.) became attached to him because he was the first Lieutenant Governor that he<sup>281</sup> ever saw much of--because he was kind and civil, and it won his (Col. Prince's) heart. At that time he had not been in the country more than three years. He found the whole country involved in political agitation. Those were the palmy days of McKenzie. There was a Parliament sitting at the time but when they resorted to the plan of stopping the supplies, Sir Francis Head dissolved the Parliament as the only way of carrying on the Government.<sup>282</sup> And he (Col. P.) approved his doing so. Sir F. B. Head was humane, there never was a man who deserved hanging more than Sutherland, yet Sir Francis prevented his being executed. And did not the history of Upper Canada show how he trusted in the people of the Province. How when he received the call of Sir John Colborne for troops if he could spare them,<sup>283</sup> he replied--"All; I will rely on the Militiamen of Upper Canada."<sup>284</sup> He (Col. P.) knew that Sir F. B. Head had his failings, but he could not allow those men opposite to stand up and attack his character without defending it.<sup>285</sup> Let not those who had received civilities, but no favours, from Sir F. B. Head, stand by and hear him calumniated, when he ought to be praised.<sup>286</sup> He had never seen him since he went to England, but he had letters every day from gentlemen who met Sir Francis daily at the clubs in London,<sup>287</sup> who knew his tastes and affections, and he never heard a single word whispered against him. On the contrary, he always heard his eulogiums.<sup>288</sup> They stated that there was not a gentleman more beloved, respected, and esteemed, than he was, by the people who knew him; and what did Sir Francis care<sup>289</sup> about the opinions and petty policies of men, who did not understand what an English baronet was? Sir F. B. Head came here but for a short time, and did what he thought his duty; and if he were not approved, he would not have got the baronetcy. It was remarked that it was singular that he had contended for this baronetcy.<sup>290</sup> If they had not



given it to him (Col. P.) without his asking for it, he would have seen it at Jericho before he would have sought it; but some men were very differently constituted from others. Sir Francis<sup>291</sup> disregarded money, but he thought much of honours; he was one of those men who did not go to bed with dollars for the theme of their dreams. Sir F. B. Head was honorable in the highest degree, chivalrous in the extreme; but, perhaps, mistaken on some points.<sup>292</sup> He (Col. P.) would not tell them why he could not vote for the resolutions before the House; he could not vote for them because he looked upon the Lower Canada rebels as having been the cause of the loss and misery which he and his constituents in the western Districts sustained.<sup>293</sup> Let the House look at the position of that neighbourhood at that time. Not one rebel appeared in arms: every thing was tranquil.<sup>294</sup> Every person was quietly following his usual avocation.<sup>295</sup> He had spent a large sum of money in the country, his neighbours had called on him for his advice, and he hoped he had not misled them. He purchased a large estate of (sic) the banks of ((the)) Detroit, and thought himself as secure as on the banks of the Thames<sup>296</sup> in England. He was respected by his neighbours,<sup>297</sup> while thus trying to establish peace among his neighbours, on a sudden a whirlwind came on. A rebellion took place in Lower Canada and<sup>298</sup> a second edition of it had broken out in Upper Canada.<sup>299</sup> He could not believe it; but<sup>300</sup> he received some despatches<sup>301</sup> from some American friends<sup>302</sup> from Montreal informing him that<sup>303</sup> persons from his city had gone up to Detroit and had excited the people to take up arms to alter the laws and Constitution of Canada. How did they do it? Why, they armed the schooner Ann with seventy men and four hundred stand of arms,<sup>304</sup> on board of her, under the command of the scoundrel Theller<sup>305</sup> whose lying history had been read in the House by his hon. friend the Commissioner of Crown Lands.<sup>306</sup>

MR. COM. CR. LANDS PRICE denied that.<sup>307</sup>

COL. PRINCE.--Then he would abandon that part of the case; besides he knew that his reverend friend would not do such a thing. (Laughter.) However, an armament was fitted out to liberate the peaceable people on the Western frontier.--Well, how did they begin to give them liberty?--for that was their pretence. The hon. and brave member for Richelieu, whom he honoured because he was brave, had said that the first he heard of the warrant against him was a cannon-ball through his house. He (Col. O.) knew not whether that hon. gentlemen gave these rascals the hint, but sure enough when they came to Amherstburg, the first thing that was done in the way of declaring independence, was to give the inhabitants a broadside (laughter); and to this day the balls were to be found, and the holes they had made in the walls. These people could have had no object but plunder.<sup>308</sup> If they had intended to give them liberty, why did they not convene a meeting?<sup>309</sup> and sent word to him (laughter); for he knew Keller, and had often talked with him;<sup>310</sup> (laughter), and a very pleasant gentleman he was (laughter), not unlike many gentlemen to be found in Montreal, of whom it might be said, in the words of the great bard of Avon, "He can smile and smile, and still be a villain."<sup>311</sup> He repeated, however, that he would not pay these claims, because he had been told by this boat's crew that refugees from this part of the Province had set them on to make this attack.<sup>312</sup> The object of these people could

be nothing but rapine, murder and robbery;<sup>313</sup> the same people set on the brave Von Shoulz, whom he honored for his courage and whom he wished to God had been spared. As to the fellows on board the Anne, whatever they might afterwards write in their narratives, they fell down on their knees when taken in the most abject manner. They had, however, before that handed about placards, promising to give away the farms in the neighbourhood; and among the rest doing him the favour, he believed, to divide his own estate. But did it stop when this expedition was at an end? No sooner was that over than Mr. MacLeod took possession of Fighting Island, in his (Col. Prince's) neighbourhood. There he was, with his 300 men, coming to give liberty to the people of Canada; and in order to do so, they fired cannon and broadsides of bullets whenever Canadians showed their faces. The only accident that attended their visit, after all, was the breaking of the shins of the present hon. member for Essex, who fell over a flour barrel in trying to capture one of the scoundrels. Then came the affair of Point Pelle (sic) Island<sup>314</sup>, where 400 or 500 came to devastate the country, but where<sup>315</sup> the Militia again marched out, with Col. Maitland and Captain Brown, aided by a few poor country gentlemen, who volunteered to serve as riflemen<sup>316</sup> and drove them from their soil<sup>317</sup>. After that came the business at Windsor, at which place persons came from the very heart of the State of Michigan. Those persons came in, shot down his best friends,<sup>318</sup> destroyed his property<sup>319</sup> and burnt his (Colonel Prince's) soldiers in their barracks. He there saw his best friend,--Hume,--barbarously slaughtered, after passing with him the only agreeable evening which he had spent for weeks before. Was he to pay<sup>320</sup> £180,000, or as many farthings, when he knew that the men who did those deeds were urged on by persons from Lower Canada. He could not do it.<sup>321</sup> By that, of course, these persons had made his life, instead of being one of quiet--the only life an English gentleman should look at--one of oppression and perturbation. --His life had been rendered miserable<sup>322</sup> by these occurrences, and by the feelings which existed in consequence.--There were<sup>323</sup> at the present day a number of men<sup>324</sup> still lingering about the Western Frontier<sup>325</sup> who, it was hoped, would be softened by the late act of amnesty, but who still regarded this country with a<sup>326</sup> jealous and jaundiced eye<sup>327</sup>. He would not consent to pay £100,000 (sic) for these rebellion losses, because those who were to receive the money had caused so much damage to others,--because they had not contributed to elevate one gentleman who stood up in defence of the law,--because loyalty and obedience to law had degraded those who exhibited it,--because he saw before him a Government prone to injure the loyal man, and exalt the rebel. (Cheers.)<sup>328</sup>

MR. J. SCOTT, of Bytown, said that he had not yet expressed any opinion on the subject. His own feelings, as a resident of Upper Canada, were certainly against the payment of the losses in the way proposed, and he could not say how he would vote on the question, until it was fully placed before him; and proceeded to speak of the impropriety of members of that house addressing unruly and riotous mobs in this city, with a view to influence the proceedings in that house.<sup>329</sup>

MR. ROBINSON asked the hon. member whether he meant to designate the large and respectable meetings, held in the market last Saturday evening, as a mob.<sup>330</sup>



MR. J. SCOTT said he was present at the meeting, and he did characterize it as a most disorderly mob; and with reference to what he had heard as to the numbers present at it, he would state that he was positive that there were not more than 1500 persons present, more than one half of whom were boys under sixteen years of age. (Ironical cheers and laughter.)<sup>331</sup>

(94)

*And the Question being put; the House divided: and the names being called for, they were taken down, as follow:--*

*YEAS.*

*Messieurs Badgley, Brooks, Christie, Crysler, Dickson, Gugy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of DURHAM, Smith of FRONTENAC, Stevenson, and Wilson.--(20.)*

*NAYS.*

*Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Lyon, Macdonald of GLENGARRY, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wetenhall.--(56.)*

*So it passed in the Negative.*

*And the Question being again proposed, That the Order of the day for the House in Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada during the Political Troubles of 1837 and 1838, and of providing for the payment thereof, be now read;*

SIR A. MACNAB, amid cries of "Question," rose<sup>332</sup>. He had already called the attention to the provision of the Union Act, which required that a message should first be received from His Excellency previous to the house originating any measure granting a sum of money from Consolidated Fund; and he would now call for the reading of that part of the Union Act to which it referred.<sup>333</sup>

*The clerk read the part of the Union Act in Question.*<sup>334</sup>

MR. MORIN the SPEAKER then delivered his opinion upon the point, he said that the Union Act was to be taken in conjunction with the practice which was followed in England, and which had obtained in this Province since the Union, and accordingly he did not think it too late for the house to receive the message yet.<sup>335</sup>

(94)

*Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Macdonald, That all the words after "That" to the end*

(95)

*of the Question, be left out, and the words "no Message having been received from His Excellency the Governor General recommending to this*

House to make provision for liquidating the Claims for Losses incurred by the Rebellions in Lower Canada, during the present Session, this House has no authority to entertain any such proposition."

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brooks, Christie, Crysler, Dickson, Gugy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, and Stevenson.--(17.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald, of GLENGARRY, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wetenhall.--(54.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Order of the day for the House in Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada, during the Political Troubles of 1837 and 1838, and of providing for the payment thereof, be now read.

And the same was read accordingly.

The Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Attorney General Baldwin, That this House do now resolve itself into a Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants of Lower Canada during the Political Troubles of 1837 and 1838, and of providing for the payment thereof.

The Honorable Mr. Hincks, a Member of the Executive Council, by command of His Excellency the Governor General, acquainted the House that His Excellency having been informed of the subject matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House do not resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Smith, of Frontenac, took the Chair of the Committee;

COL. GUGY.--The question propounded to the house is the payment of a sum of money, doubtless a large one, but it is indefinite. It is clear that posterity is to be saddled with that payment; but how much is to be paid, and to whom or to what class of persons? When he had addressed the house on a former occasion, he had intimated to gentlemen on the other side that if they would pledge themselves to withhold compensation, or it might be called reward, from those who had attempted,



in arms, to subvert the institutions of the country, that he for one would acquiesce. But the Ministry had refused to assent to that proposition. On the contrary, the Ministry had so distinctly and explicitly as was possible declared it to be their intention to reward those who, before the Act of Grace had been passed, would be only styled Rebels. Now it was with them, did the hon. gentlemen opposite mean that, or did they not? By saying one word they could allay the storm--they would not say it, then it was clear that the alarm generally felt was not without foundation. What the Ministry wanted was authority to tax one class of people who had maintained order, in common with another class who had attempted to sever the connexion, and that entirely for the benefit of the latter. This was the state of the question. He (Col. G.) was not, as had been sneeringly hinted, identified with the late Ministry. He had much to complain of at their hands. But his education and temperament, his past career left him no option. He had throughout acted like an Englishman, and he would continue so to do.--At all events he was accustomed to a minority. Truth did not depend on numbers--he did not see the new light quite as soon as other persons, who were sure to be in the majority--he was, however, somewhat consoled, for all candid persons must see that he was not moved by selfish motives. It might be discouraging to speak and act against Ministers docile to the voice of their leaders--but he was disinterested--he wanted no favor--no office in the gift of the Crown could corrupt him. As to his being of the Conservative party--was it not something that he had always been of it, and had not deserted in the hour of defeat as others had done? That was a party averse to innovation--fearing all change--attached to Britain and British institutions. The other, which had styled itself the Liberal party, was eager for what they called Reform and Progress. But what Reform--where would that Progress lead? Would it be to a connection with the neighbouring States?--Let it not be pretended that he cherished abuse. On the contrary, he was opposed to every kind of abuse. He had always manifested that sentiment, and he always would. He knew that it was objected to the Conservative party that they had that tendency; but he (Col. G.) denied it, and, at least in his individual capacity, he would go all lengths to redress grievances, and reform abuses. Those who wanted to put their hands in the public purse to pay incendiaries, pirates, and murderers, had not always been of that opinion. Some who (like all converts) were the loudest in their denunciations, had a great deal to expiate. The hon. member for Montreal (Holmes) was of that number. He had abused his power when he possessed it; he had manifested an aversion for, and a hostility to, the French Canadian of the most ferocious character, he had prosecuted and tormented them. Their being French Canadians was, in the eyes of that hon. member, a crime. Therefore, as the hon. member had gone so very far out of the right way, as among other things, to imprison the most respectable among them without authority, he (Mr. Holmes) was, perhaps, bound to make some reparation. But that was not his (Col. G.'s) case; he had, it is true, taken a prominent part, made many sacrifices, suffered much, risked his life, and been severely wounded in the struggle. But so soon as that struggle was over he had alleviated the horrors of civil war. The hon. member for Drummond (Mr. Watts) had been a witness to his (Col. G.'s) humanity, and he defied any man, woman or child to impute him any, the slightest, deviation at a time when the heads of the most

calm had been turned--he then owed no reparation--he was free to denounce the Ministerial measure as iniquitous, and he did so. This was a case of two hostile nations making peace upon the status ante bellum. There was no Fortresses, no Islands, no Provinces to be restored by the nation, taking them to the nation from which they had been taken. In this case, the only safe basis upon which a lasting arrangement could be made, was the status post bellum. Let every man bear the losses incident to his own misconduct. He (Col. G.) was not disposed to entrust the Government with the power of naming such Commissioners as they would select to apportion the funds which they desired; the confusion would be prodigious, and the Commissioners could not fail to have means and excuses for richly rewarding the liberal party--that is the friends of the Ministry--who were, in other words, since it was to be said--the party had risen in arms--the plunderers--the incendiaries--the murderers. So stood the facts. The present so-called Liberals and the late--here a word suggested itself, (not to be mentioned to ears polite) were one of the same type. But the leaders of that party occupied the highest stations--wealth, power and honors flowed upon them in a continuous strain. They engrossed the Royal favor--to the exclusion of such men as he, who certainly, when certain other hon. members were in arms against the Crown, had served Her Majesty faithfully, zealously, disinterestedly. Was not that enough? Were the Ministry determined to lay hold of the public treasury, and to share it among their followers--the new liberals--but late misguided men, whose acts and deeds had brought them into open collision with the Queen's Troops. It might suit their purpose to detract from the fame of the Volunteers, but at the period in question, when every loyalist was in danger of being shot like a snipe from behind every hedge, when it was dangerous to walk beyond the precincts of the town, when no man could drive his wife round the mountain without danger of assassination, the Volunteers were justly valued. They did not force their services upon the Government--they were urged to sacrifice time, money and comfort--to stand at drill all day, and to stand out on sentry and picket all night.--And was the soldier's pay any compensation for such sacrifice? No, they were promised not merely gratitude, but recompense--and even fame--but verily they had their reward. The deserters from their ranks were petted; they were in flourishing circumstances, and so were their old enemies--but as to the Volunteers, as a body, they had been treated with contumely and scorn--every kind of mortification had been heaped on them, and they had lived to see themselves not merely abandoned, deserted, and betrayed, but, as far as it could be, degraded.--Was not this a pretty pass; and must they now submit to be taxed by their old enemies--for the benefit of their old enemies? It was to (sic) much for human nature to bear. And this, too, was attempted at a time when the people clamored for improvement--when a few thousands judiciously applied would bring us by means of the St. Lawrence and Atlantic Rail-Road, within one day of the seaboard at Portland, and within thirteen of Liverpool. Did the Rebel losses compose a preferable claim? The house could not be surprised to learn that in such a state of things hundreds propose, upon the opening of the navigation, to leave the country. Was that what they wanted? Perhaps it was--as those persons were exclusively of the English race. But, certainly, judging from the result, looking at the event, the Rebellion had been righteous and the cause



holy--judging from the result, those men who adhered to their allegiance had thereby committed sins of great enormity--at least, the first were rewarded--the latter punished--not accidentally--not by mistake--but deliberately--and intentionally. Did it now follow that Great Britain was tired of the Colony, and wished to get rid of it? If such were the fact however, it ought to be disclosed--a straightforward manly declaration to that effect ought to be at once promulgated--let us know what we had to expect--what would be said or done in future if this precedent were made was too manifest. He (Col. Gagy,) however, would not attempt to prophesy, he would suppose a leader of the Liberal party, soliloquizing or singling out one or more followers, speaking as follows:--We are resolved to join the States if we can--therefore, we shall rebel and burn--murder and destroy, whomsoever may oppose us. If we succeed, we carry our point. If not, the British Government will repay our losses with interest. We shall never get less than 20s. in the pound; but we may manage to get twice, or thrice as much. Some of us engaged in commerce, and considerably out at elbows, will, in the meantime, fail; we shall pay our creditors 5s. or 2s. 6d. in the pound, and the British Government--or our friends who will then be sure to be in power to reward our exertions--will pay us in full. That being clear gain, the speculation is evidently the best in the world. Thus, Mr. Chairman, many have speculated, thus did act men who are now clamorous for compensation. But if you grant it, what security have you that a fresh series of events--confusion worse confounded--may not ensue.<sup>336</sup>

MR. AT. GEN. BALDWIN rose and said, as he saw that there was no prospect of getting through with the debate to night, and as the hon. member for Huron, who had an amendment to propose, was absent, he would move that the Committee rise, report progress, and ask leave to sit again on Thursday<sup>337</sup>.

(95)

*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Smith, of Frontenac, reported, That the Committee had made some progress, and had directed him to move for leave to sit again.*

*Ordered, That the said Committee have leave to sit again, on Thursday next.*

*Ordered, That the said Order be then the first Order of the day.*

Orders  
deferred.

*Ordered, That the remaining Orders of the day be postponed till Thursday next.*

*Then, on motion of the Honorable Mr. Attorney General Lafontaine, seconded by the Honorable Mr. Attorney General Baldwin,*

*The House adjourned till Thursday next.*

FOOTNOTES: 20 FEBRUARY 1849.

1. A description of this bill is given in ST. CATHARINES JOURNAL, 15 March, 1849.
2. The debate on this matter was reported by: MONTREAL GAZETTE, 23 February 1849, and HAMILTON SPECTATOR, 3 March 1849, in identical accounts; LA MINERVE, 26 February 1849, copied by L'AVENIR, 3 March 1849, and LE JOURNAL DE QUEBEC, 3 March 1849, in identical accounts; PILOT, 21 February 1849, copied by MORNING CHRONICLE, 7 March 1849, GLOBE, 28 February 1849, BATHURST COURIER, 2 March 1849, PRINCE EDWARD GAZETTE, 2 March 1849, PROVINCIALIST, 5 March 1849, in identical accounts, except that PILOT omitted some speeches, and GLOBE abridged others, BATHURST COURIER omitted a number of speeches, PRINCE EDWARD GAZETTE reported only Stevenson's speech, PROVINCIALIST omitted some speeches and abridged others, and MORNING CHRONICLE reported only Prince's speech, which was somewhat abridged; LA MINERVE, 22 February 1849, reported Davignon's speech; L'AVENIR, 21, 22 February 1849, noted the debate; and PILOT, 26 February 1849, reported Scott's speech. Commentaries may be found in LA MINERVE, 22 February 1849, and PRINCE EDWARD GAZETTE, 9 March 1849. Whenever necessary the HAMILTON SPECTATOR will be reproduced instead of the difficult to read MONTREAL GAZETTE, as will the various papers copying the illegible PILOT.
3. LaFontaine's speech is reported fully by LA MINERVE, 26 February 1849, which report was copied by LE JOURNAL DE QUEBEC, 3 March 1849, and also by L'AVENIR, 3 March 1849, because its reporter was absent during the delivery. LA MINERVE's account was also transcribed by PILOT, 21 February 1849, "owing to the absence of our French Reporter," and it was virtually ignored by MONTREAL GAZETTE, 23 February 1849, because "from the position in which the hon. gentleman stood, most of what he said was inaudible in our box." Therefore the speech is reproduced from LA MINERVE.
4. LA MINERVE, 26 February 1849.
5. MONTREAL GAZETTE, 23 February 1849.
6. LA MINERVE, 26 February 1849.
7. L'AVENIR, 3 March 1849.
8. LA MINERVE, 26 February 1849.
9. L'AVENIR, 3 March 1849.
10. BATHURST COURIER, 2 March 1849.
11. L'AVENIR, 3 March 1849.
12. LA MINERVE, 26 February 1849.
13. L'AVENIR, 3 March 1849.
14. BATHURST COURIER, 2 March 1849.
15. L'AVENIR, 3 March 1849.
16. LA MINERVE, 26 February 1849.
17. L'AVENIR, 3 March 1849.
18. LA MINERVE, 26 February 1849.
19. L'AVENIR, 3 March 1849.
20. LA MINERVE, 26 February 1849.
21. L'AVENIR, 3 March 1849.
22. LA MINERVE, 26 February 1849.
23. L'AVENIR, 3 March 1849.
24. LA MINERVE, 26 February 1849. The ellipsis represents an illegible word.



25. HAMILTON SPECTATOR, 3 March 1849.
26. BATHURST COURIER, 2 March 1849.
27. HAMILTON SPECTATOR, 3 March 1849.
28. BATHURST COURIER, 2 March 1849.
29. HAMILTON SPECTATOR, 3 March 1849.
30. BATHURST COURIER, 2 March 1849.
31. HAMILTON SPECTATOR, 3 March 1849.
32. BATHURST COURIER, 2 March 1849.
33. HAMILTON SPECTATOR, 3 March 1849.
34. BATHURST COURIER, 2 March 1849.
35. HAMILTON SPECTATOR, 3 March 1849.
36. BATHURST COURIER, 2 March 1849.
37. HAMILTON SPECTATOR, 3 March 1849.
38. BATHURST COURIER, 2 March 1849.
39. HAMILTON SPECTATOR, 3 March 1849.
40. BATHURST COURIER, 2 March 1849.
41. HAMILTON SPECTATOR, 3 March 1849.
42. BATHURST COURIER, 2 March 1849.
43. HAMILTON SPECTATOR, 3 March 1849.
44. BATHURST COURIER, 2 March 1849.
45. HAMILTON SPECTATOR, 3 March 1849.
46. BATHURST COURIER, 2 March 1849.
47. HAMILTON SPECTATOR, 3 March 1849.
48. BATHURST COURIER, 2 March 1849.
49. HAMILTON SPECTATOR, 3 March 1849.
50. BATHURST COURIER, 2 March 1849.
51. HAMILTON SPECTATOR, 3 March 1849.
52. BATHURST COURIER, 2 March 1849.
53. HAMILTON SPECTATOR, 3 March 1849.
54. BATHURST COURIER, 2 March 1849.
55. HAMILTON SPECTATOR, 3 March 1849.
56. IBID.
57. BATHURST COURIER, 2 March 1849.
58. HAMILTON SPECTATOR, 3 March 1849.
59. BATHURST COURIER, 2 March 1849.
60. HAMILTON SPECTATOR, 3 March 1849.
61. IBID.
62. BATHURST COURIER, 2 March 1849.
63. HAMILTON SPECTATOR, 3 March 1849.
64. BATHURST COURIER, 2 March 1849.
65. HAMILTON SPECTATOR, 3 March 1849.
66. BATHURST COURIER, 2 March 1849.
67. HAMILTON SPECTATOR, 3 March 1849.
68. BATHURST COURIER, 2 March 1849.
69. HAMILTON SPECTATOR, 3 March 1849.
70. BATHURST COURIER, 2 March 1849.
71. HAMILTON SPECTATOR, 3 March 1849.
72. BATHURST COURIER, 2 March 1849.
73. HAMILTON SPECTATOR, 3 March 1849.
74. BATHURST COURIER, 2 March 1849.
75. HAMILTON SPECTATOR, 3 March 1849.
76. IBID.

77. BATHURST COURIER, 2 March 1849.
78. HAMILTON SPECTATOR, 3 March 1849.
79. BATHURST COURIER, 2 March 1849.
80. HAMILTON SPECTATOR, 3 March 1849.
81. IBID.
82. BATHURST COURIER, 2 March 1849.
83. HAMILTON SPECTATOR, 3 March 1849.
84. BATHURST COURIER, 2 March 1849.
85. HAMILTON SPECTATOR, 3 March 1849.
86. IBID.
87. IBID.
88. BATHURST COURIER, 2 March 1849.
89. HAMILTON SPECTATOR, 3 March 1849.
90. BATHURST COURIER, 2 March 1849.
91. HAMILTON SPECTATOR, 3 March 1849.
92. BATHURST COURIER, 2 March 1849.
93. HAMILTON SPECTATOR, 3 March 1849.
94. BATHURST COURIER, 2 March 1849.
95. HAMILTON SPECTATOR, 3 March 1849.
96. BATHURST COURIER, 2 March 1849.
97. HAMILTON SPECTATOR, 3 March 1849.
98. IBID.
99. IBID.
100. BATHURST COURIER, 2 March 1849.
101. HAMILTON SPECTATOR, 3 March 1849.
102. BATHURST COURIER, 2 March 1849.
103. HAMILTON SPECTATOR, 3 March 1849.
104. BATHURST COURIER, 2 March 1849.
105. HAMILTON SPECTATOR, 3 March 1849.
106. BATHURST COURIER, 2 March 1849.
107. HAMILTON SPECTATOR, 3 March 1849.
108. BATHURST COURIER, 2 March 1849.
109. HAMILTON SPECTATOR, 3 March 1849.
110. BATHURST COURIER, 2 March 1849.
111. HAMILTON SPECTATOR, 3 March 1849.
112. BATHURST COURIER, 2 March 1849.
113. HAMILTON SPECTATOR, 3 March 1849.
114. BATHURST COURIER, 2 March 1849.
115. HAMILTON SPECTATOR, 3 March 1849.
116. IBID.
117. BATHURST COURIER, 2 March 1849.
118. HAMILTON SPECTATOR, 3 March 1849.
119. BATHURST COURIER, 2 March 1849.
120. HAMILTON SPECTATOR, 3 March 1849.
121. BATHURST COURIER, 2 March 1849.
122. HAMILTON SPECTATOR, 3 March 1849.
123. BATHURST COURIER, 2 March 1849.
124. HAMILTON SPECTATOR, 3 March 1849.
125. BATHURST COURIER, 2 March 1849.
126. HAMILTON SPECTATOR, 3 March 1849.
127. BATHURST COURIER, 2 March 1849.
128. HAMILTON SPECTATOR, 3 March 1849.



129. BATHURST COURIER, 2 March 1849.
130. IBID.
131. HAMILTON SPECTATOR, 3 March 1849.
132. IBID.
133. BATHURST COURIER, 2 March 1849.
134. HAMILTON SPECTATOR, 3 March 1849.
135. BATHURST COURIER, 2 March 1849.
136. IBID.
137. PILOT, 21 February 1849.
138. IBID.
139. IBID.
140. HAMILTON SPECTATOR, 3 March 1849.
141. PILOT, 21 February 1849.
142. HAMILTON SPECTATOR, 3 March 1849.
143. PILOT, 21 February 1849.
144. HAMILTON SPECTATOR, 3 March 1849.
145. PROVINCIALIST, 5 March 1849.
146. HAMILTON SPECTATOR, 3 March 1849.
147. PROVINCIALIST, 5 March 1849.
148. HAMILTON SPECTATOR, 3 March 1849.
149. PILOT, 21 February 1849.
150. HAMILTON SPECTATOR, 3 March 1849.
151. PILOT, 21 February 1849.
152. HAMILTON SPECTATOR, 3 March 1849.
153. PILOT, 21 February 1849.
154. HAMILTON SPECTATOR, 3 March 1849.
155. IBID.
156. IBID.
157. PILOT, 21 February 1849.
158. HAMILTON SPECTATOR, 3 March 1849.
159. PILOT, 21 February 1849.
160. HAMILTON SPECTATOR, 3 March 1849.
161. PILOT, 21 February 1849.
162. HAMILTON SPECTATOR, 3 March 1849.
163. PILOT, 21 February 1849.
164. HAMILTON SPECTATOR, 3 March 1849.
165. PILOT, 21 February 1849.
166. HAMILTON SPECTATOR, 3 March 1849.
167. PILOT, 21 February 1849.
168. HAMILTON SPECTATOR, 3 March 1849.
169. PILOT, 21 February 1849.
170. HAMILTON SPECTATOR, 3 March 1849.
171. PILOT, 21 February 1849.
172. HAMILTON SPECTATOR, 3 March 1849.
173. PILOT, 21 February 1849.
174. HAMILTON SPECTATOR, 3 March 1849.
175. PILOT, 21 February 1849.
176. HAMILTON SPECTATOR, 3 March 1849.
177. PILOT, 21 February 1849.
178. HAMILTON SPECTATOR, 3 March 1849.
179. PILOT, 21 February 1849.
180. HAMILTON SPECTATOR, 3 March 1849.

181. PILOT, 21 February 1849.
182. HAMILTON SPECTATOR, 3 March 1849.
183. LA MINERVE, 26 February 1849.
184. PILOT, 21 February 1849.
185. HAMILTON SPECTATOR, 3 March 1849.
186. PILOT, 21 February 1849.
187. IBID.
188. HAMILTON SPECTATOR, 3 March 1849.
189. PILOT, 21 February 1849.
190. HAMILTON SPECTATOR, 3 March 1849.
191. PILOT, 21 February 1849.
192. HAMILTON SPECTATOR, 3 March 1849.
193. L'AVENIR, 3 March 1849. The ellipsis represent illegible words.
194. HAMILTON SPECTATOR, 3 March 1849.
195. BATHURST COURIER, 2 March 1849.
196. HAMILTON SPECTATOR, 3 March 1849.
197. BATHURST COURIER, 2 March 1849.
198. HAMILTON SPECTATOR, 3 March 1849.
199. BATHURST COURIER, 2 March 1849.
200. IBID.
201. IBID.
202. HAMILTON SPECTATOR, 3 March 1849.
203. BATHURST COURIER, 2 March 1849.
204. IBID.
205. IBID.
206. PILOT, 21 February 1849.
207. HAMILTON SPECTATOR, 3 March 1849.
208. PILOT, 21 February 1849.
209. MORNING CHRONICLE, 7 March 1849.
210. HAMILTON SPECTATOR, 3 March 1849.
211. MORNING CHRONICLE, 7 March 1849.
212. HAMILTON SPECTATOR, 3 March 1849.
213. MORNING CHRONICLE, 7 March 1849.
214. HAMILTON SPECTATOR, 3 March 1849.
215. MORNING CHORNICLE, 7 March 1849.
216. HAMILTON SPECTATOR, 3 March 1849.
217. MORNING CHRONICLE, 7 March 1849.
218. HAMILTON SPECTATOR, 3 March 1849.
219. MORNING CHRONICLE, 7 March 1849.
220. HAMILTON SPECTATOR, 3 March 1849.
221. MORNING CHRONICLE, 7 March 1849.
222. HAMILTON SPECTATOR, 3 March 1849.
223. MORNING CHRONICLE, 7 March 1849.
224. HAMILTON SPECTATOR, 3 March 1849.
225. MORNING CHRONICLE, 7 March 1849.
226. HAMILTON SPECTATOR, 3 March 1849.
227. MORNING CHRONICLE, 7 March 1849.
228. HAMILTON SPECTATOR, 3 March 1849.
229. MORNING CHRONICLE, 7 March 1849.
230. HAMILTON SPECTATOR, 3 March 1849.
231. MORNING CHRONICLE, 7 March 1849.
232. HAMILTON SPECTATOR, 3 March 1849.



233. MORNING CHRONICLE, 7 March 1849.
234. HAMILTON SPECTATOR, 3 March 1849.
235. IBID.
236. MORNING CHRONICLE, 7 March 1849.
237. HAMILTON SPECTATOR, 3 March 1849.
238. GLOBE, 28 February 1849.
239. HAMILTON SPECTATOR, 3 March 1849.
240. GLOBE, 28 February 1849.
241. HAMILTON SPECTATOR, 3 March 1849.
242. GLOBE, 28 February 1849.
243. HAMILTON SPECTATOR, 3 March 1849.
244. GLOBE, 28 February 1849.
245. HAMILTON SPECTATOR, 3 March 1849.
246. GLOBE, 28 February 1849.
247. HAMILTON SPECTATOR, 3 March 1849.
248. GLOBE, 28 February 1849.
249. IBID.
250. IBID.
251. HAMILTON SPECTATOR, 3 March 1849.
252. GLOBE, 28 February 1849.
253. HAMILTON SPECTATOR, 3 March 1849.
254. GLOBE, 28 February 1849.
255. MORNING CHRONICLE, 7 March 1849.
256. HAMILTON SPECTATOR, 3 March 1849.
257. IBID.
258. MORNING CHRONICLE, 7 March 1849.
259. HAMILTON SPECTATOR, 3 March 1849.
260. MORNING CHRONICLE, 7 March 1849.
261. HAMILTON SPECTATOR, 3 March 1849.
262. MORNING CHRONICLE, 7 March 1849.
263. HAMILTON SPECTATOR, 3 March 1849.
264. MORNING CHRONICLE, 7 March 1849.
265. HAMILTON SPECTATOR, 3 March 1849.
266. MORNING CHRONICLE, 7 March 1849.
267. HAMILTON SPECTATOR, 3 March 1849.
268. MORNING CHRONICLE, 7 March 1849.
269. HAMILTON SPECTATOR, 3 March 1849.
270. MORNING CHRONICLE, 7 March 1849.
271. IBID.
272. HAMILTON SPECTATOR, 3 March 1849.
273. MORNING CHRONICLE, 7 March 1849.
274. HAMILTON SPECTATOR, 3 March 1849.
275. MORNING CHRONICLE, 7 March 1849.
276. HAMILTON SPECTATOR, 3 March 1849.
277. IBID.
278. MORNING CHRONICLE, 7 March 1849.
279. HAMILTON SPECTATOR, 3 March 1849.
280. MORNING CHRONICLE, 7 March 1849.
281. HAMILTON SPECTATOR, 3 March 1849.
282. MORNING CHRONICLE, 7 March 1849.
283. HAMILTON SPECTATOR, 3 March 1849.
284. MORNING CHRONICLE, 7 March 1849.

285. HAMILTON SPECTATOR, 3 March 1849.
286. MORNING CHRONICLE, 7 March 1849.
287. HAMILTON SPECTATOR, 3 March 1849.
288. MORNING CHRONICLE, 7 March 1849.
289. HAMILTON SPECTATOR, 3 March 1849.
290. MORNING CHRONICLE, 7 March 1849.
291. HAMILTON SPECTATOR, 3 March 1849.
292. MORNING CHRONICLE, 7 March 1849.
293. HAMILTON SPECTATOR, 3 March 1849.
294. MORNING CHRONICLE, 7 March 1849.
295. HAMILTON SPECTATOR, 3 March 1849.
296. MORNING CHRONICLE, 7 March 1849.
297. HAMILTON SPECTATOR, 3 March 1849.
298. MORNING CHRONICLE, 7 March 1849.
299. HAMILTON SPECTATOR, 3 March 1849.
300. MORNING CHRONICLE, 7 March 1849.
301. HAMILTON SPECTATOR, 3 March 1849.
302. MORNING CHRONICLE, 7 March 1849.
303. HAMILTON SPECTATOR, 3 March 1849.
304. MORNING CHRONICLE, 7 March 1849.
305. HAMILTON SPECTATOR, 3 March 1849.
306. MORNING CHRONICLE, 7 March 1849.
307. IBID.
308. IBID.
309. HAMILTON SPECTATOR, 3 March 1849.
310. MORNING CHRONICLE, 7 March 1849.
311. HAMILTON SPECTATOR, 3 March 1849.
312. MORNING CHRONICLE, 7 March 1849.
313. HAMILTON SPECTATOR, 3 March 1849.
314. MORNING CHRONICLE, 7 March 1849.
315. HAMILTON SPECTATOR, 3 March 1849.
316. MORNING CHRONICLE, 7 March 1849.
317. HAMILTON SPECTATOR, 3 March 1849.
318. MORNING CHRONICLE, 7 March 1849.
319. HAMILTON SPECTATOR, 3 March 1849.
320. MORNING CHRONICLE, 7 March 1849.
321. HAMILTON SPECTATOR, 3 March 1849.
322. MORNING CHRONICLE, 7 March 1849.
323. HAMILTON SPECTATOR, 3 March 1849.
324. MORNING CHRONICLE, 7 March 1849.
325. HAMILTON SPECTATOR, 3 March 1849.
326. MORNING CHRONICLE, 7 March 1849.
327. HAMILTON SPECTATOR, 3 March 1849.
328. MORNING CHRONICLE, 7 March 1849.
329. HAMILTON SPECTATOR, 3 March 1849.
330. IBID.
331. IBID.
332. PILOT, 21 February 1849.
333. HAMILTON SPECTATOR, 3 March 1849.
334. IBID.
335. IBID.
336. IBID.
337. IBID.



THURSDAY, 22 FEBRUARY 1849.

(95)

Invalids and Foundlings.

MR. SPEAKER laid before the House, the Report of the Commissioners for the relief of indigent Invalids and Foundlings in the District of Quebec,

for the year 1848.

Appendix (Q. Q.)

For the said Report, see Appendix (Q. Q.)

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Beaubien,--The Petition of the Reverend L. M. Brassard and others, of Chambly, Longueuil, and other Parishes.

By Mr. Flint,--The Petition of the Councillors on the Mohawk Nation of Indians of the Bay of Quinté, in behalf of their Tribe.

By the Honorable Mr. Attorney General Baldwin,--The Petition of Hugh Maginnis and others, of the Township of Thurlow.

By the Honorable Mr. Merritt,--The Petition of the Delegates of the Freeholders of the County of Lincoln, in public meeting assembled at St. Catharines (Division Courts); the Petition of the Delegates of the Freeholders of the County of Lincoln, in public meeting assembled at St. Catharines (Statute labour); and the Petition of the Municipal Council of the District of Niagara (Municipal Council Bill).

By Mr. Lyon,--The Petition of Archibald Petrie and others, of the Township of Cumberland; the Petition of G. G. Dunning and others, of the Township of Cumberland; the Petition of William Duncan, Chairman, and John A. Simpson, Secretary, on behalf of a meeting of the inhabitants of the Township of Russell (annexation to Dalhousie); the Petition of John M'Caul and others, of the Township of Clarence; and the Petition of William Duncan, Chairman, and John A. Simpson, Secretary, on behalf of a meeting of the inhabitants of the Townships of Russell and Cambridge (Representation).

By Mr. M'Farland,--The Petition of Isaac H. Culp, of the Township of Stanford, District of Niagara.

By Mr. Bell,--The Petition of the Reverend J. H. M'Donagh and others, Priests and Laymen of Perth and its vicinity.

By Mr. Holmes,--The Petition of P. P. Russell and others, inhabitants of the District of Montreal.

By Mr. M'Connell,--The Petition of Doctor S. Gregory and others.

By Mr. Gugy,--The Petition of Joel Bigelow, Esquire, and Joseph Bigelow, Chairman and Secretary, on behalf of the inhabitants of the Town of Lindsay, Township of Ops.

Petitions read.

Pursuant to Order of the day, the following Petitions were read:--

Of George Webster, one of the Messengers of the House; praying for an increase of wages.

Of James Graham and others, of the County of Norfolk; praying that an inquiry may be instituted into all matters bearing upon the dismissal of George H. Park, Esquire, M. D., from the office of Medical Superintendent of the temporary Lunatic Asylum.

Of the Reverend Denis Begley and others, the Catholic Clergyman and Laity of the Parish of Alexandria; praying that suitable provision be made for the College of Regiopolis.

Of George D. Watson, on behalf of the Board of Management of the Merchants' Exchange and Reading Room Association of Montreal; praying for an Act of Incorporation.

Of the St. Michel Road Company; praying that a certain Road proposed by B. H. DeMoine and A. M. Delisle, Esquires, to be constructed may be made at the cost and risk of the said parties; or otherwise that the St. Michel road may be placed under the Trustees of the Montreal

(96)

Turnpike Roads, and the said Company indemnified for the value of their stock therein.

Of John Thomas and others, of the Village and vicinity of Colborne; praying for aid to promote the construction of a line of Railroad from Quebec, by a certain route, to Port Sarnia and Windsor at the western limit of the Province.

Of John M. Grover and others, of the Village and vicinity of Colborne; praying that Samuel S. Cole, may be authorized to collect Toll and Harbour Dues at a Pier and Harbour which he is constructing, on the same scale as that allowed to the Colborne Harbour Company, and that aid may be granted him for the completion of the said Harbour.

Of Samuel S. Cole, of the Village of Colborne, in the District of Newcastle; praying for the passing of an Act to authorize him to collect Tolls and Harbour Dues at a Harbour which he is constructing at Colborne, and for aid to enable him to complete the same upon certain conditions.

Of the Municipal Council of the District of Newcastle; praying that the appointment of Assessors and Collectors may be vested in the Municipal Councils, and that the said Councils be invested with power to preserve decorum in their meetings.

Of the Council of the Municipality of Sherbrooke; praying for the removal of certain doubts as to the time of their first meeting.

Of Ichabod Smith and others, Trustees of the Stanstead Seminary; praying for aid.

Of Auldin Plumly, of the Township of Hatley; praying for the payment of a certain amount due to him and Alphonso Burbank by the late Municipal Council for the said Township.

Of P. Vezina, Esquire, and others, Delegates from various Townships in the District of Three Rivers, and others of the Town of Three Rivers; praying that the proposed Judicature Bill may not pass into a Law, in so far as it relates to the said District.

Of G. Chaillier and others, of the Parish of St. Pierre les Becquets, County of Nicolet; praying for the adoption of measures to facilitate the Commutation of Tenure of Lands en fief and en censive.

Of the Municipal Council of the County of Quebec; and of Joseph Bedard, Esquire, and others, of the County of Quebec; praying for the repeal of the Municipal Council Act, and for the re-establishment of Parish Municipalities.

Of Joseph Bedard, Esquire, and others, Censitaires of the County



of Quebec; praying that the rates of Commutation of the Tenure of Land into free and common soccage, may be made more equitable.

Of the Reverend J. D. Déziel and others, of the Parish of Point Levy, County of Dorchester; praying for the repeal of the law authorizing the licensing of Taverns in the country, and that Temperance Houses be substituted in place thereof.

Of the Municipal Council of the District of Ottawa; praying for a reduction of the costs of the District Court, and that the jurisdiction of the Division Courts may be extended.

Of P. B. Dumoulin, Esquire, of Three Rivers; praying for the payment of certain arrears of rent due to him for a house used as a House of Correction for the District of Three Rivers.

Of Franklin Chadsey and others, of the Township of Dorchester; praying for the adoption of measures to obtain the repeal of the Imperial Act relating to the Clergy Reserves, and for the abolition of Rectories, and that the funds arising therefrom may be devoted to purposes of general utility.

Of the Municipal Council of the District of London; praying for the repeal of the Usury Laws.

Of George B. Rae and others, of the Township of Clarence; praying that the Clergy Reserve question may be finally settled by appropriating the funds arising from the Reserves to the purposes of general education.

Of William R. R. Lyon, of Richmond, District of Dalhousie, Merchant; complaining of certain unjust and illegal acts and decision on the part of Christopher Armstrong, Esquire, Judge of the District Court of the said District and of his unfitness for the said office, and praying for an inquiry in the premises, and that means be adopted for his removal therefrom.

Of James Malvagh and others, of Nepean, County of Carleton; praying that no alteration may be made in the original survey of the said Township.

Of James Breakridge and others, of the Townships of Russell and Cumberland; praying for aid to construct a Bridge over the Castor River, and for the completion of a Road through the said Townships and Gloucester, to Bytown.

Of the President, Directors, and Stockholders of the Grimsby Harbour Company; praying that their Charter may be revived and extended.

Of the Reverend C. L. Vinet and others, of the Parish of St. Constant; praying indemnification for Losses sustained by them during the Troubles of 1837 and 1838.

Of Etienne Simard and others, of the Parish of Château Richer, County of Montmorency; praying for the adoption of certain measures for the promotion of Temperance.

Of Joseph Courtemanche and others, of the County of Rouville; praying to be relieved from the daily payment of Tolls on the Turnpike Road from St. Athanase to Stanbridge.

Of the Municipal Council of the District of Victoria; praying for certain alterations to the proposed Bill to provide by one general Law for the erection of Municipal Councils in Upper Canada, in the event of its passing into a Law.

Of the Municipal Council of Kamouraska; praying that the existing Municipal Councils of Counties may be continued.

Of John Keenan and others, Officers and Members of Fire Companies; praying that the provisions of the Act 4 & 5 Vic. c. 43, may be so extended as to exempt persons serving as Members of a Fire Company for the term of seven consecutive years, from serving as Jurymen or Constables.

Of Léon Rousseau, Esquire, and others, of the County of Yamaska; praying for aid to construct a Bridge across the River Yamaska, and also another across the River St. Francis.

Of the Municipal Council of the District of Gore; praying that no final action may be had this Session upon the proposed Bill relating to the Municipal system of Upper Canada.

Of Frederick C. Capreol, Esquire, of the City of Toronto; praying for the passing of an act to authorize him to construct a Railroad from the said City of Lake Huron.

Of James Cowan and others, of the Township of Waterloo, District of Wellington; praying for the passing of an Act to divide Waterloo into two Townships.

Of John Frost, Esquire, and others, of the District of Simcoe and Wellington; praying that certain Townships and lands therein mentioned may be formed into a new County and District to be called the District of Owen's Sound.

Of the Honorable James Ferrier and others, Directors and Stockholders of the High School of Montreal; praying for aid in support of the said School.

Brock's  
Monument.

Mr. Thompson moved, seconded by Mr. Smith, of Durham, and the Question being put, That the Petition of the Municipal Council of the District of Niagara (Brock's Monument,) be referred to a Select Committee composed of the Honorable Mr. Merritt, Mr. Dickson, Mr. Notman, Mr. M'Far-

(97)

land, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.<sup>1</sup>

The motion was opposed by SIR A. MACNAB, MR. WILSON, MR. SMITH, and a number of other members, on the ground that the building of the monument was a private matter, at least one about which the Government could not interfere.<sup>2</sup>

MR. THOMPSON said that great dissatisfaction existed in Upper Canada because the monument had not been built.<sup>3</sup>

SIR A. MACNAB explained the causes which had prevented the Committee from proceeding with the work, only about £2700 had been subscribed for the monument while the lowest tender received for its erection was £5000. It was not deemed advisable by the Committee appointed to superintend its erection with only that sum in hand, and the money was placed out at compound interest. The sum now accumulated was nearly enough to build the monument<sup>4</sup>. It was proposed last year to give out the contract, and pay in Bank Stock. Afterwards, however, some objections were found to this course<sup>5</sup> but in consequence of the great depression in the stock in which the money was invested it was deemed exped-



ient to sell it at present<sup>6</sup> and it was determined to put the thing off till a better opportunity should arise for realizing the investment. The thing was in the hands of the Committee; but if the House chose to take it out of their hands, it was not for him to oppose it.<sup>7</sup>

(97)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bouthillier, Burritt, Davignon, Fortier, Jobin, Macdonald of GLENGARRY, M'Farland, Merritt, Mongenais, Notman, Papineau, Polette, Scott of BYTOWN, Smith of DURHAM, Smith of WENTWORTH, and Thompson.--(16.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Bell, Boulton of NORFOLK, Brooks, Cartier, Cauchon, Cayley, Chabot, Christie, Crysler, DeWitt, Fergusson, Fournier, Fourquin, Gugy, Gillet, Hall, Hincks, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Marquis, M'Connell, M'Lean, Méthot, Meyers, Morrison, Nelson, Price, Prince, Richards, Robinson, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Stevenson, Viger, Wetenhall, and Wilson.--(49.)

So it passed in the Negative.

Petition of R. C. Wilkins and others;

Resolved, That the Petition of Robert C. Wilkins and others, of Ameliasburgh, District of Prince Edward, be referred to a Select Committee composed of Mr. Stevenson, the Honorable

Mr. Macdonald, Mr. Meyers, Mr. Thompson, and Mr. Seymour, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of W. Blakely and others;

Ordered, That the Petition of William Blakely and others, of the third concession of Ameliasburgh, District of Prince Edward, be

referred to the said Committee.

Of J. Vollar;

Ordered, That the Petition of James Vollar, a Messenger of the Legislative Assembly, be

referred to the Standing Committee on Contingencies.

Of the Municipal Council of Three Rivers;

Ordered, That the Petition of the Municipal Council of the Town of Three Rivers; the Petition of Theophilus Rickaby and others, of the Town of Three Rivers; the Petition of G. B. Hall and others, of the Town of Peterborough; the Petition of Andrew Geddes and others, of the District of Wellington and Gore; and the Petition of George Poapst and others, of the ninth Concession of Cornwall, be referred to the Standing Committee on Standing Orders.

Of T. Rickaby and others;

Of G. B. Hall and others;

Of A. Geddes and others;

Of G. Poapst and others,

referred.

Petition of H.  
S. Larned.

Mr. Wilson moved, seconded by Mr. Scott, of Two Mountains, and the Question being put, That the Petition of Henry S. Larned, formerly of Chatham in the Western District, now of the City of Buffalo in the United States, be referred to a Special Committee to be named by this House.

The House divided:--And it passed in the Negative.

Report on Pe-  
tition of J. H.  
Aussem and  
others.

Mr. Flint, from the Select Committee to which was referred the Petition of John H. Aussem, Esquire, and others, of the Province of Canada, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of them referred, and find that it is signed by about two thousand Petitioners who are desirous that persons practising the Thomsonian or Botanic system of Medicine may be authorized to prescribe, and to collect pay for their services. Your Committee, after a due consideration, can see no reason why those who practise this system, and hold a regular Diploma from their Society, should not enjoy the same privileges as other members of the Medical Profession; and they look upon the restrictions which now exist, as an unnecessary interference with the rights and liberties of those who have confidence in the Thomsonian mode of treatment: they therefore beg leave to recommend the matter of this Petition to the consideration of Your Honorable House.

Ordered, That the said Report be taken into consideration on Monday next.

Stormont  
Election.

Mr. Jobin, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Stormont, reported, That the Committee met this day at half-past nine o'clock, but were unable to proceed to business, in consequence of the absence of Mr. Bell, Mr. Bouthillier, and Mr. Taché, members of the Committee.

Ordered, That Mr. Bell, Mr. Bouthillier, and Mr. Taché, do severally attend in their places in this House, at the next sitting thereof.

Ninth Report of  
Committee on  
Standing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Ninth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Benjamin Bowerman and others, and of George Gurmett, Esquire, and others; and find that in each case the requisite notice has been given.

They have also examined the Petition of W. B. Wrong and others, for incorporation of a Company to improve the Harbour at Port Burwell, and the transfer to them of the property appertaining to the said Harbour, and they find that notice has been given in the Canada Gazette only; but the fact of a Petition in opposition to the measure having been presented to Your Honorable House, Your Committee deem to be sufficient proof that the application was publicly known in the District; they therefore beg leave to recommend that the notice be considered sufficient.



With respect to the Petitions of John Grubb, Esquire, and of Absalom Shade and James Cowan, Esquires, Your Committee find that the requisite notices have not been given.

The Petitions of Robert E. Burns, Esquire, and others; of William Simpson, and Abel R. Ward; of William Stewart and others; of James Platt, Esquire, and others; and of the Literary and Historical Society of Quebec, do not, in the opinion of Your Committee, require the publication of notice.

Report on Pe-  
tition of O. E.  
Casgrain and  
others.

Mr. Fournier, from the Select Committee to which was referred the Petition of O. E. Casgrain, Esquire, and others, of the lower part of the County of L'Islet, with power to report by Bill or otherwise, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee having taken evidence on the subject of the Petition referred to them, and examined other documents submitted to their consideration, are unanimously of opinion, that the removal of the Registry Office of the County of L'Islet from the Parish of St. Thomas to that of L'Islet in the said County, ought to be effected for the following reasons.--

1st. The Petition praying for this change, contains about fourteen hundred signatures from the different Parishes of St. Roch, St. Jean Port Joli, L'Islet, St. Cyrille and Cap St. Ignace.

2nd. When the Registry Office was established at St. Thomas, this Parish was certainly the most central point, being on the borders of the two Counties L'Islet and Bellechasse, and this Registry Office alone serving for both Counties; but the Legislature, by a subsequent

(98)

Act, divided these two Counties for the purposes of registration, so that the Registry Office of the County of L'Islet is quite at the western extremity of the County, while the centre is at the Parish of L'Islet, and the inhabitants of the eastern extremity of this County are obliged to go a great distance in order to enregister their Deeds; this, without doubt, causes great inconvenience in certain cases, and especially when the Deeds require immediate enregistration, without including the expenses and loss of time to which the greater part of the inhabitants of the said County are exposed.

3rd. On referring to the Census of 1844 for this County, it is easy to become convinced that the greater extent of land and the greater number of the population is contained in the three Parishes in the lower part of the County.

4th. The new Parish of St. Cyrille, and the Township of Ashford, the former being opposite L'Islet, and the latter opposite St. Roch, to the east of the County, have greatly increased in cultivation and in population since the Census of 1844,--a Church having even since been built at St. Cyrille. It must be added, that one half of the Cap St. Ignace is interested in having the Registry Office at L'Islet.

Your Committee take the liberty, in support of their Report, to refer Your Honorable House to the annexed comparative statement of the population of the different Parishes of the County of L'Islet:

Extract from the Census of 1844, for the County of L'Islet.

PARISHES.	Number of Houses.	Number of Persons.	Number of Pro- prietors.	Culti- vated Lands.	Unculti- vated Lands.	Number of Bushels of Grain.
St. Thomas.....	526	3721	453	27075	15627	89371
Crane Island.....	63	515	40	3859	3056	23216
St. Pierre.....	201	1340	154	18361	9782	50673
Cap. St. Ignace...	339	2320	301	26683	8353	55366
Total.....	1129	7896	948	75978	36818	218626
L'Islet and St. Cyrille.....	462	3088	370	35461	4046	80477
St. Jean Port Joli	439	3132	306	39130	18909	79192
St. Roch.....	372	2897	298	31373	16344	88047
Total.....	1273	9117	974	105964	39299	247716
Difference in fav- our of the three Parish- es in the lower part of the County...	144	1221	26	29986	2481	29090

L'Islet Registry  
Office Bill.

Mr. Fournier also presented to the House, a Bill to provide for the removal of the Registry Office of the County of L'Islet from the place where it is now kept to the Parish of L'Islet, which was received and read for the first time; and ordered to be read a second time, on Monday, the fifth day of March next.

Suits in Superior  
Court of Queen's  
Bench, District  
of Montreal.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, of the 12th instant, praying His Excellency to cause to be laid before this House, a statement of the number of Suits which have been instituted for the last twelve months in the Superior Court of Queen's Bench for the District of Montreal, and the number of Judgments obtained in such Suits; also, the number of Suits pending, upon which evidence has been closed, but upon which Judgments have not been pronounced; also, the number of Suits, whether argued or not argued, still pending before the said Court.

Appendix (R. R.)

For the said Return, see Appendix (R. R.)

Joseph  
Donegani.

Also, Return to an Address of the Legislative Assembly to His Excellency the Governor General, of 12th instant, praying him to direct the proper Officer to lay before this House, any documents that may be in the



possession of the Provincial Government connected with the case of Mr. Joseph Donegani, of the City of Montreal, on the Bill passed in the year 1845, for his relief, or copies of Despatches connected therewith, that may be in the possession of the Government.

Appendix (S. S.) For the said Return, see Appendix (S. S.)

Mr. Justice Bedard. Also, Supplementary Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 29th January, 1849, praying for copies of any correspondence that may have taken place between the Executive Government and the Honorable Mr. Justice Bedard, anterior and relative to his translation from the Bench of Judges at Quebec to that of Montreal, together with copies of his Commissions, as well to the former as to the latter; also, copies of any letters or correspondence between the Executive and the Honorable Mr. Justice Aylwin, relative to his appointment to the Bench at Quebec as successor to Mr. Justice Bedard.

Appendix (G. G.) For the said Supplementary Return, see Appendix (G. G.)

Ordered, That the said Supplementary Return be printed for the use of the Members of this House.

J. M. Ferres. Ordered, That the Return to an Address from the Legislative Assembly to His Excellency the Governor General, relating to James Moir Ferres, Esquire, laid before this House, on Friday, the sixteenth instant, be printed for the use of the Members of this House.

On motion of the Honorable Mr. Boulton, seconded by Mr. Johnson,

Bill relating to persons dying Intestate. Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to make better provision for the protection of the property of persons dying Intestate in that part of this Province formerly called Upper Canada," be now read the first time. And the Bill was read the first time.

Ordered, That the said Bill be read a second time, on Thursday next.

Tolls collected on Roads (U. C.) The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 2nd instant, praying him to be pleased to direct the proper Officer to lay before this House, a Return of all Tolls collected upon the several Macadamized and Planked Roads in Upper Canada, for the years 1847 and 1848, respectively, and the expenses attending the collection thereof.

Appendix (T. T.) For the said Return, see Appendix (T. T.)

Ordered, That the said Return be printed for the use of the Members of this House.

Quebec Literary  
and Historical  
Society Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill to amend the Charter of the Literary and Historical Society of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Ottawa Works.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, dated the 15th instant,--List of Persons at present employed in the Crown Timber Office, Bytown, 1849,--and Statement of Expenses of the Commission of Enquiry into the Crown

(99)

Timber Office, Bytown, 1845 and 1846.

Appendix (U. U.)

For the said Return, see Appendix (U. U.)

Building So-  
cieties Bill.

Ordered, That Mr. Chauveau have leave to bring in a Bill to encourage the establishment of Building Societies in the District of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Manufactories  
Bill.

Ordered, That Mr. Brooks have leave to bring in a Bill to enable the British American Land Company to promote and establish Manufactories in the

Eastern Townships of Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twelfth day of March next.

Quebec Forward-  
ing Company Bill.

Ordered, That Mr. Méthot have leave to bring in a Bill to incorporate certain persons under the name of the Quebec Forwarding Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Provident As-  
sociations Bill.

Ordered, That Mr. Notman have leave to bring in a Bill for incorporating certain Charitable, Philanthropic, and Provident Associations, and for

the effectual protection from fraud and misappropriation of the Funds of the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

On motion of Mr. Guillet, seconded by Mr. Polette,

Jesuits Estates.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to please to cause the proper Officer to lay before this House, copies of all accounts, receipts and expenditure, which may have been rendered by Louis Eléonore Dubord, Esquire, of his administration of the Jesuits' Estates in the District of Three Rivers, while Agent thereof.



Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Chabot, seconded by Mr. Lemieux,

Police Office,  
Quebec.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House,

copies of all representations, complaints, memorials or petitions, on the part of W. K. M'Cord, Esquire, Superintendent of Police at the City of Quebec relative to the keeping of the Police Office at Quebec since the said W. K. M'Cord has been Superintendent of Police; also, copies of all complaints or representations by the said W. K. M'Cord, touching the assiduity or want of assiduity of the Justices of the Peace at the weekly sittings of the said Magistrates, and copies of all communications between the said W. K. M'Cord and the Executive Government, and the Clerks of the Peace or Justices of the Peace, respectively, relative to the matters aforesaid,--and a copy of the investigation made by order of the Executive Government last year, in consequence of the said complaints; and copies of all documents relative to the matters aforesaid.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Clerks of the  
Peace Office,  
Quebec.

Resolved, That a Select Committee composed of Mr. Chabot, Mr. Chauveau, Mr. Christie, Mr. Lemieux, and Mr. Chauchon, be appointed to enquire into the manner in which the Office of the

Clerks of the Peace at Quebec has been and is kept, and into the manner in which the registers, documents, and records of the said Office are kept; and whether there are or are not any abuses or defects in the keeping of the said Office, and of the said Registers, documents and records, and the means of remedying such abuses and defects, to report thereon with all convenient speed; with power to send for persons, papers or records.

On motion of Mr. Chabot, seconded by Mr. Lemieux,

Clerks of the  
Peace, Quebec.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a

Statement of the fees, income and salary of the Clerks of the Peace at Quebec for the years 1844, 1845, 1846, 1847 and 1848, and also of the number of Causes or Prosecutions brought before the Superintendent of Police, and before the Magistrates of the District, and the amount of fees of the said Clerks of the Peace upon each Prosecution or action; the number of Prosecutions for assault, battery, or breach of the peace; the number of Bail-bonds given and furnished, and the fees of the said Clerks on each; the number of Indictments laid before the Grand Jurors at the Quarter Sessions of the Peace, and the nature of each Indictment, and the fees of the said Clerks thereon; and the number of Warrants for apprehension and imprisonment, and the fees of the said Clerks thereon.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Lemieux, seconded by Mr. Chabot,

Prothonotaries  
of the Queen's  
Bench, District  
of Quebec.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause the proper officer to lay before this House, a clear and detailed Statement of the fees

and emoluments received by the Prothonotaries of the Court of Queen's Bench for the District of Quebec, in the years 1846, 1847, and 1848, indicating separately the source from which the said fees and emoluments are derived during each year, together with the detailed disbursements and expenses of their office for each year, indicating separately why those expenses have been incurred, the number of Clerks employed in the said office, and their respective ages and annual salaries, and the net profits remaining to the Prothonotaries in each year; and, further, a Statement of the monies remaining in their hands and possession, whether as legal deposits, or as monies remaining deposited with them in cases of ratification, and actually in their hands and possession, since 1840 inclusively, shewing in what Causes the said monies were deposited, when they were deposited, and the time at which they became payable.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

(100)

On motion of Mr. Christie, seconded by Mr. Seymour,

Halifax and  
Quebec Railway.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House,

such of the Maps as may be in the possession of the Executive Government describing the proposed line of Railway between Halifax and Quebec, as recommended in a Report made by Brevet Major William Robinson of the Corps of Royal Engineers, and which Report is contained in a Despatch of Her Majesty's Secretary of State of the Colonies, transmitted to this House, by Message from His Excellency the Governor General, on the 30th January last.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

St. Antoine de  
L'Isle aux Grues  
Municipality Bill.

Ordered, That Mr. Fournier have leave to bring in a Bill to detach the Parish of St. Antoine de L'Islet aux Grues from the Municipality of L'Islet, and to erect the same into a

separate Municipality.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the fifth day of March next.



On motion of Mr. Flint, seconded by Mr. Dickson,

Clergy Reserves.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying he will be pleased to cause to be laid before this House, by the proper officer, copies of all correspondence relative to the placing an advance of twenty-five per cent, by the Government, on the appraised value of the Clergy Reserves in that part of this Province formerly Upper Canada.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Guelph and Arthur Road.

The Honorable Mr. Attorney General Baldwin, presented, pursuant to the directions of the Act 10 & 11 Vic. c. 91,--Statement of the Affairs of the Guelph and Arthur Road Company, for the year 1848.

Appendix (V. V.)

For the said Statement, see Appendix (V. V.)

Rebellion Losses.

The Order of the day for the House in Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada during the Political Troubles of 1837 and 1838, and of providing for the payment thereof, being read;

The House accordingly resolved itself into the said Committee.

Mr. Smith, of Frontenac, took the Chair of the Committee;<sup>8</sup>

COL. GUGY, who had the floor when the Committee rose on a former evening, rose and continued his speech. He begged leave to call the attention of the House, to what the members opposite had assigned as the basis of the present proceeding; he contended that the commission issued by the late ministry, was not a proceeding which at all bound the house, they changed, repealed, mended, altered laws passed by both branches of the legislature, and assented to by Her Majesty, and yet they did not find that they partook of the character ascribed to the laws of the Medes and Persians, and therefore there was nothing of the former proceedings binding upon the house or which it could not alter at its pleasure, and even admitting that the former proceedings served for a basis, it could not be pretended, that they included all the class of cases intended to be embraced by the present resolutions, therefore, so far as the present Parliament was concerned, there was no precedent for their proceedings. The hon. Attorney-General East, had many grounds for his proceeding by the present measure--he might be desirous of rewarding his associates--he might also be desirous of enjoying the luxury of revenge. Besides having objections to the payment of some classes of claims, he (Mr. G.) had objections to the manner in which they were to be paid; because, by proposing to pay them at a very distant date, they were burdening their successors with them; and there was another objection which he had, which was the payment of them by debentures. They had seen that the debentures issued to the sufferers by the fires at Quebec were at a discount of twenty-five per cent.<sup>9</sup>

MR. CHAUVEAU.--Fifteen to twenty per cent.<sup>10</sup>

COL. GUGY.--Well, say fifteen per cent discount. These debentures

were redeemable in twelve years, and if at present a person only got £75 or £80 for £100 worth of debentures, redeemable in twelve years, they would get far less for debentures only redeemable in twenty years, and therefore, instead of persons receiving compensation in full for their losses, they would only be receiving something like fifteen shillings in the pound, although the Province would afterwards have to pay the full amount. An hon. member had said that they could not make a distinction between those who were loyal and those who were engaged in the rebellion, and therefore they must pay them all; but he (Mr. G.) would show that this argument was a fallacious one. By appointing a commission consisting of disinterested and intelligent men, they could easily get a distinction made between the different classes, but he supposed a commission would be appointed which would act in accordance with the views entertained by the hon. members opposite, and which would not draw any distinction between one class of persons and another. He had asked what kind of claims they intended to pay, and he could not get any answer, so he must infer that his suspicions were true, that it was intended to pay all losses. Against such a measure he must enter his solemn protest. The hon. member then proceeded to comment on some observations made by the Attorney-General East, in the course of his speech, relative to him, (Mr. G.) and to the Town he represented, and to defend himself against the imputations made against him, as to his having changed his opinions. He would observe, in answer to a remark of the hon. member for Two Mountains, that much which had been said about property being destroyed was idle rumour. The remark was not accurate, the hon. member had not been present, and he, (Col. G.) had been. If you compensate for the burning of the church at St. Eustache, you must compensate for the damage done every garrisoned town in the country, for it was garrisoned, and stoutly defended. The inhabitants of that village knew that it was so--if they had been honest and true loyal men they might have expelled those men who had taken possession of it,--(Hear, hear)--if the priests with their robes on had stood at the door, and told them that they must not enter, they would not have dared to have done so. The burning of the Church at St. Benoit had been under somewhat different circumstances.--Another kind of losses were those sustained by men in trade. Those who were embarrassed, their creditors had been the losers in this case.<sup>11</sup>

DR. NELSON asked how the hon. gentleman came to know his private affairs. He begged to state that the remark was untrue, and that he was not embarrassed.<sup>12</sup>

COL. GUGY felt himself in the position of the British lion,--but he did not allude in that case to the hon. member for Richelieu, but to the hon. member for Two Mountains. However, he believed that the hon. member had compounded with his creditors.<sup>13</sup>

DR. NELSON said that he had never been embarrassed.<sup>14</sup>

COL. GUGY ((continued:)) He would next come to the hon. member for the city of Montreal, the most loyal of the loyal, who had said that he would walk knee deep in French blood.<sup>15</sup>

MR. HOLMES could not recollect anything of it.<sup>16</sup>



COL. GUGY.--Aye, a short memory is sometimes a very convenient thing. It is well known that at that period few went farther than the hon. member; but he says that he did not know the causes then. He (Col. G.) took it to be an imputation on the gentleman's honor to take so prominent and important a part as he took, without understanding the subject. If he did nothing of that sort then, what guarantee had they for his conduct now. A man who could go the length he did, and tells you he did it without knowing what he did, can only be a slight acquisition to the cause he now supports. The hon. member tells us that he has searched into the case since, and finds out that the French Canadians had been in the right, and the British had been tyrants. In that case he should not disclaim against the hon. member for St. Maurice, for he certainly must have been in the right.<sup>17</sup>

MR. HOLMES would feel obliged if the hon. member would tell him what he was talking about.<sup>18</sup>

COL. GUGY would like to speak with all the good nature with which he was brought into the world. If the hon. member could not understand then, it was scarcely to be expected that he could now. The hon. gentleman then rode about town with a flaming sword in his hand, and was in short a prodigy of bravery, and had no notion of what he was about. Now he comes to the conclusion that the French were in the right to resist. Did the hon. member understand him then, and if so he might be permitted to remark that if that were true, the hon. member for St. Maurice was in the right; he thought the hon. member for Montreal should be transferred to that hon. member as his pupil. He begged the hon. member to understand, that he had not called him apostate nor renegade; but he could inform him that the Conservative party had suffered much from the individuals who had been over enthusiastic. Since the hon. gentleman had become so conscious, how was it that he had consented to represent the City of Montreal, when the suburbs had been cut off--who should be the out and out supporter of that act of tyranny, but the hon. member opposite. The hon. member might permit him to say that there were some men in all countries, who always supported bad causes--he now supported an even worse cause than then. He would ask the hon. member for Bytown his authority for saying that the meeting of Saturday night was a mob? What was there that was so very aristocratic in the hon. gentleman himself. It might be that he represented an aristocratic constituency, but there was nothing about himself that could give him the shadow of a claim to call the citizens of Montreal a mob. That meeting was a most respectable meeting, excited with a sense of insult and wrong. Government in former days, had owed the citizens of Montreal much, and should not insult them now. He would ask the hon. gentleman one question, private and confidential, like the Draper and Lafontaine correspondence--(laughter)-- he would ask if the hon. member were a member of the Temperance Society, for sometimes gentlemen get into that happy estate when they can't see a hole through a ladder. Some great geniuses, such as Napoleon or Marlborough, were able to tell exactly the number of any body of men; in like manner the member for Bytown might tell the exact number. The hon. member might be rolling in wealth, but he should not come here and tell the inhabitants of Montreal that they were a mob of boys and mechanics. They were some-

times very much indebted to mechanics. He (Col. G.) had been so--<sup>19</sup>

MR. J. SCOTT (Bytown) did not speak of mechanics. He said that the meeting assembled was a mob, and repeated it. He could show data for it; he did not speak at random, like the hon. member for Sherbrooke often did.<sup>20</sup>

COL. GUGY had understood him to call it a mob, and a disorderly one. He (Col. G.) could bring him 20 members of that House, and 3000 gentlemen out of doors, to prove to him that it was not such. But the hon. gentleman had promised to bring data; he would wait till he had brought it before remarking further upon it, and as the House was in Committee, he should have the opportunity to speak again.-- In the position in which he (Col. G.) was to the inhabitants of Montreal, he felt bound to take that matter up. He proceeded to remark on the hon. member for Richelieu, asserting that there had been no warrant for his arrest.<sup>21</sup>

DR. NELSON said that there had been no warrant.<sup>22</sup>

COL. GUGY would call upon the member for Port Neuf to say if there had not been one.--(The hon. member was not in the house.) Why did the hon. member fortify his house if he expected nothing? The government were not going to reward men who did right, but because they resisted the laws of the country. Gentlemen opposite were assuming a fearful responsibility. He would turn to the remarks of the hon. Solicitor General for C. W. because he had furnished much matter for reflection, and were of a character to which he attached importance. He did not think that some of them were best calculated for attaining the end he said he would discuss. His manner was like that of the Chinese, who made pictures of hobgoblins, and other monstrous things, to frighten their adversaries with.

He talked so loud, he looked so grim,

His shadow seemed to follow him.

He has quoted Shakespeare for them. One of Shakespeare's characters "roared as guilty as a sucking dove," and the hon. gentleman reminded him of being something like it. He had a good deal of theatrical exhibition, but not much theatrical unity. He had told us there are different kinds of loyalty, and one kind spurious. He had called Canadian loyalty spurious, which he (Col. G.) did not consider very complimentary to him. He had made also allusions to Pontius Pilot, and quoted the phrase, that "if thou lettest this man go, thou art not Caesar's friend." They all knew to what extent this led to in the Christian world. The cry was on the part of the mob, and not of the loyal kind in that place, but citing it at all he should do it rightly. The hon. gentleman had spoken of spurious loyalty, he (Col. G.) might have heard a novelist use such a term, but never the language in a Legislative Assembly. There could not be such a thing, unless the Sovereign should be a traitor to his people, as was James II. The hon. gentleman had made some remarks which appeared to him to be unfair. In speaking of the Bishop of Toronto he had said that he (the Bishop) had more brains than any of his party, and had mixed up politics with his religion. If he, the hon. member, had mixed up a little more religion with his politics he would have done better, and not have



permitted himself to make such a remark as that.--Whatever might be said of the Bishop of Toronto, he was prepared to show that he was a great and good man, and old enough to be the grandfather of the hon. member. The Bishop of Toronto had spent a long life in the dissemination of learning. Justice Macaulay, and other eminent men had been his classmates under the Bishop, and he owed all the knowledge that he possessed to him. If any man had a right to use his influence over the country it was the Bishop of Toronto. Because a man is a Priest he is to restrain his opinion. He could not let remarks of that kind pass without recording his protest against them. He had levelled some remarks against the Chief Justice of Upper Canada; he (Col. G.) said that he knew no man who was so great a miracle as he. He had been a soldier in his youth, and the first to take up arms at that eventful period, and he believed that no man ever impeached his character. He had exercised that kind of influence which genius exerts, and which was a somewhat similar one to that which the Attornies General exercise over gentlemen on that side of the house, the hon. member for St. Maurice an exception.--23

The hon. Mr. Watts and Davignon said, not them.<sup>24</sup>

COL. GUGY. He would say a few words about the Family Compact, of which so much had been said and which was such a fruitful subject.--He had no idea of associating himself with it; he never had anything to do with it, and he would be uninfluenced. They were men who had sacrificed principle for the sake of the British Crown. Their sons had been born on the soil which had been fattened by the sweat of their fathers, and should they not have some influence in the land. He would put it to the honorable gentlemen opposite, if they were not capable of filling the situations they hold. They had envied, and those who had envied them, had themselves done the same things that they had. It was not unnatural that colonists who had been born in the land should aspire to the honors of office. Under Lord Durham, they had seen brought out from England ignorant men, and of mean birth laying claim to aristocratic, and still more vulgar and coarser women laying claim to the same. Lord Durham himself was a most disagreeable man, haughty, overbearing, and always wanted to display his superiority over other gentlemen with whom he should be in company. He placed the fortunes of Canada in the hands of a felon, and made Canadian maidens and matrons give place to a woman, he would not before the audience, describe. The hon. gentleman proceeded to read passages from Lord Durham's Report, to the effect that the Canadians were a people without principles and history. Yet, oh grief, oh shame! the Sol. General West and the Government cite that Report as their rule of conduct, and govern by a French majority. Lord Durham came out here the apostle of loyalty and forgot his mission. If there be a leaning now towards democracy and the seductions of republic America in this country, we owe it to such men as Lord Durham. Every thing in this country was monarchical when he came--the Canadians were plus loyal que le roi. Men and women of the absurd character Lord Durham petted and kept in house for years. If hon. gentlemen opposite wish to be Reformers they should reform themselves.--The hon. gentleman proceeded to comment on the appointment of Major Campbell, and the principle of giving all the offices in the country

to strangers. He asked what was to become of the youth of the country and said that that principle could not fail to sap the best interests of the country, as it had done in the British Colonies which were not the United States. He might compliment the hon. member for St. Maurice for having read Lord Durham's Report, and he (Col. G.) was certain that he did not agree with it. The hon. member for St. Maurice said that he would not recompense the loyalists who had suffered. He could tell the hon. gentleman that he was not claiming compensation for them, but that he was opposing the claims of the others. The hon. member had spoken of jewellery having been stolen from some houses; he would ask the hon. gentleman to point out those who committed such acts, that they might be held up to the last of public opinion. The hon. gentleman had said that a French mob was more humane than the English aristocracy. If it was true, he could not see any analogy, or what it had to do with our paying the rebels.<sup>25</sup>

MR. PAPINEAU said that he had made allusion to the conduct of a Paris mob, which had abolished capital punishment for political offences, as a lesson to those British ministers, who seek the lives of the Smith and Meagher. He did not say that he opposed the losses of the loyalists, but all losses arising from those troubles should be paid. He should have waited to make those remarks, but that he had been desirous to make them now.<sup>26</sup>

COL. GUGY.--The remarks of the hon. gentleman were always so well bred, that he listened to them with pleasure. He had feelings of friendship for both the hon. member for Richelieu and St. Maurice, notwithstanding debates which might arise from different questions. He proceeded to make some remarks on Lord Durham, and regretted that his remarks extended so long, but was glad that they had given the Attorney-General West a chance to get a comfortable nap. He would observe that they were perfectly sincere, and not such a kind, as to be likely to gain him any interest.<sup>27</sup>

MR. J. SCOTT (Bytown) said that the hon. gentleman who had just sat down had made use of such slighting remarks on his constituents as to call upon him not to let them pass.<sup>28</sup>

COL. GUGY said that he never could have spoken slightly of the hon. members constituents.<sup>29</sup>

MR. J. SCOTT (Bytown) rose to prove the truth of a statement he had made on a previous evening, to the effect that the late meeting was not a large one.<sup>30</sup> The constituency that he represented contained a large and wealthy population, in comparison with the miserable hamlet that he (Col. G.) represented. He had called the monster meeting a mob, and now for the data which he said he was prepared to bring.<sup>31</sup> The hon. member showed that the whole population of Montreal was only about 48,000 persons,<sup>32</sup> in England, males were computed to be 1 in 5-- in the United States, in 7½--in Canada, 1 in 10<sup>33</sup> and of those only one in seven, or 7143 were males over twenty-one years of age.<sup>34</sup> He asked the hon. gentleman if he thought the half of the male population would turn out except for a great fire or a rebellion.<sup>35</sup> It was quite impossible, therefore, that



there could have been more than 1500 present at the meeting, and he had himself been present, and could assert that such was the case<sup>36</sup>. He had been informed that that market hall would only hold 4000, he had walked up and down through the thickest part of the crowd, and it was not half full. A great deal had been said about its respectability.<sup>37</sup> It was only necessary to point to their conduct on leaving the hall, in riotously promenading about the streets, and burning the Prime Minister in effigy on one of the most public places in the city. The expressed determination of the leaders at the meeting was to resist the constituted authorities, and rise in rebellion against the Government, unless this House thought proper to agree with their enlightened views and notions.<sup>38</sup> (Hear, hear, and laughter.) The hon. member for Sherbrooke had spoken a great deal about morality, and, in quoting from Shakespeare, he should have quoted that which was said "Honor father and thy mother."<sup>39</sup>

MR. H. BOULTON said the Resolutions which had occupied so much of the time of the Committee, formed a subject of so much importance that the discussion of them ought to be approached with far different feelings than those which had characterized the discussion so far as it had gone. It had been treated in every way but on the real merits of the question. It had been stated that the object of the Resolutions was to pay the losses sustained by the rebels of Lower Canada; but he held that there was no such object in them. The real object was to pay the losses sustained during the rebellion. All those who had sustained losses were not rebels; and the question was, whether or not it was right to pay for the losses sustained during the rebellion. All those who had sustained losses were not rebels; and the question was, whether or not it was right to pay for the losses sustained during these events. A great deal had been said as to the cause of the rebellion, and some even went the length of saying that it was got up for the purpose of annexing Canada to the United States. To this charge, he answered, No, such was not the object of the rebellion, for it was looked upon by the French Canadians as a pis aller<sup>40</sup>. It was not the French Canadians who broached the doctrine of constitutional liberty. It was men of British origin who first taught the French people their rights as British subjects. Yes, they were men of his own country who schooled these people in the laws of the British Constitution, and who taught them to look upon their Parliament as a strong and sturdy giant to maintain their cause; and when it was sought to cripple this giant and put him in shackles, they determined to make a stand against such an encroachment.<sup>41</sup> What was the character of the government now? It had been derisively called a democracy by those who ought to glory in it.<sup>42</sup> He would like to know what Englishman would attempt to deprive him of his rights; and there was nothing in the British Constitution that could be exercised against him here different to what it would be in his own country.--There was one man who still lived in the hearts of the French Canadians with the highest feelings of respect; he referred to the hon. Sir James Stuart, Bart., and he might also mention that gallant gentleman's worthy brother, who was also held in the highest esteem of the people. There were the men who first brought the French Canadians the great principles they had long struggled for, and which they now highly prized.--(Hear,) These men had long fought for what they had gained.

It was not till after the battles had been commenced in the halls of the Legislature that the French Canadians had taken part in the great struggle, and had shared in the fight. It was in Upper Canada that the voice of the Legislature was first stifled. He had known the Governor when a measure was introduced which he disliked, come down and call the Legislature (sic) Council together, not in his robes of office, but in his frock coat without firing a gun to announce his visit, and tell the Council that he would put an end to the measure which was obnoxious to him. He would not uphold the rebellion, for he did not consider that it was right, although he conceived it might be engaged in politically, and when political views were discussed and opposed, it might thus lead to open defiance of law, and it was thus that parties were often brought into collision. He did not wish to call up ill-feelings, and he trusted his remarks would not lead to it. The matter at present in hand was whether or not they would pay for the losses sustained during the rebellion. There was not one word in the resolutions with respect to paying the losses of those who were rebels, and he intended himself to move an amendment, (hear, hear) and which he believed would be seconded by his hon. friend near him, (Dr. Nelson) who although he had stood (sic) up in defence of his rights, yet should not be regarded as a rebel against his Queen and country. It had been frequently said by gentlemen on the other side, that two wrongs did not make a right; yet they had themselves, on more than one occasion, acted on that principle. Who was it who, up to the present time, had brought forward this question of losses? First of all, in the Upper Province, after the rebellion, it was proposed to pay the loyal losses; there was then a great deal of heat and animosity, which some persons, for political and party purposes, were endeavouring to revive at present. A law was passed to pay all losses caused by the rebels; afterwards another law was introduced to provide funds; and then the Act of Parliament itself was altered in its language to afford payment to any person who had sustained losses during the rebellion. That amendment was introduced by the Government of the day; and he (Mr. Boulton) knew, of his own personal knowledge, that property was paid for under that law, which was taken away from parties suspected at the time. The next point in the history of this case was, that an address was presented to the Crown in 1843, for the purpose of paying the losses in Lower Canada--losses to a very large extent having been paid to the loyal people of Lower Canada somewhere to the amount of £10,000. The Commission under which these losses were paid was issued by Sir John Colborne, and only the losses sustained by loyal men were to be paid. In 1845, an address was presented, to inquire further into losses in Lower Canada; and in 1846 a commission was issued, upon which he would say a few words. This Commission was issued in 1845, for the express purpose of enquiring into the losses of the "loyal" inhabitants, and instructions were given to the Commissioners, carefully to classify and separate the claims of those who had taken part in the rebellion from the other claims. Now, he would ask, what was the meaning of classifying claims which they never intended to pay? Did the parties who got up this scheme intend to make a public expose of those parties by inducing them to come forward and propose their claims for adjustments, who there was not the



slightest intention of paying them? Was it fair, or just, or honest, or was it calculated to gain any good end? The only good end it could answer, in his opinion, was what, in those days, used to be called, an "artful dodge," to induce some unfortunate person who estimated money more than anything else, to give his support to the Government that appointed the Commission. He had heard an answer, but it was not satisfactory to him. What was the reason of all this particularity, of all this classification, if they never intended to pay one sixpence to those parties? It was a monstrous proposition! It would not have been near so disgraceful, in his opinion, if they stood up in their places, and said, they did not intend to pay those claims at once, than to give such instructions as those. The Commissioners did not quite understand that doctrine, and asked what powers they were empowered with. Now, the answer was, that in making their classification it was not the intention of His Excellency the Governor General that they should be guided by any other evidence than that furnished by the sentences of the courts of law. That was exactly the classification that he intended to vote for, for that was an equitable and just classification. It was not an artful dodge! The subsequent instructions sent to the Commissioners, inform them that they must be satisfied with such general evidence as the claimants could furnish--not respecting their loyalty, it must be remembered, for that question was to be decided by the evidence obtained from the sentences of the law courts--but merely as to the amount of the property destroyed. And the then Secretary, Mr. Daly, further informed the Commissioners it was not expected that they should travel round the country for the purpose of obtaining information. But hon. gentlemen opposite said that none but the loyalist claims should be paid. Well, who were the loyalists--(Hear)--he would ask hon. gentlemen? He wished he could ask a British House of Commons--he meant a House of Commons on the other side of the water--where they were accustomed to look on matters with enlarged views, not with the jaundiced eye of party. In those instructions every man must be judged as loyal until it can be proved that he was otherwise, and what other course could be taken? What, for instance, would the hon. knight opposite think if people were to charge him with an offence, and he was to be convicted on that charge, and visited with condign punishment, without allowing him an opportunity of defending himself? What would he think if he were called "rebel" without good foundation? Would it not be hard if he were condemned unheard, and without undergoing trial by a competent Court? But would any man say that if a man were attacked in his own house, he had not a right to defend himself? His hon. friend for Richelieu had been accused of barricading his door, as if that constituted an act of rebellion;<sup>43</sup> and he would not like to present himself at the door of the hon. and gallant Knight's house, at Dundurn, for the purpose of forcibly entering it, if he (Sir Allan) should be there with a pistol in his hand, for he should expect to be shot.<sup>44</sup> Nor did he think if he shot the stranger that he would be accused of murder; because you were not to conclude that a man had committed murder because he shot another, unless they would do as they do in the United States to the negroes, chain him to a tree and set fire to it, and then try him after he is roasted. Had not the three estates of the country passed an act of

oblivion for everything that had taken place heretofore?<sup>45</sup>

A voice, yes, but we don't require to pay.<sup>46</sup>

MR. H. BOULTON.--They did not require to pay--that was a sword which cut both ways--they did require to pay just losses.<sup>47</sup> The late Ministry had said, and the present Ministry said now, that all just losses should be paid. Now he asked any one not imbued with the most bitter hatred against these people, how you can ascertain whether they were rebels or not? Members on the other side declared they would not pronounce a man a rebel without trial. How then could they bring them to trial after the act of oblivion?--how ascertain whether any man was a rebel or not? He was satisfied with the Commission issued by the late Ministry, if, in fact, it had been a Commission, instead of being without a seal, and he desired nothing else but that. Now suppose Jean Baptiste<sup>48</sup> Huot, or somebody else,<sup>49</sup> demanded from the Commission the price of two houses which he had lost in these troubles, some one might, perhaps, come up and declare that this man was a rebel; but how was this to be ascertained, unless it were by a few gentlemen who might be constituted a Star Chamber Commission, to decide on the affidavits of some persons who might come forward and declare that he (sic) saw him carry arms.<sup>50</sup> If the hon. and gallant Knight, himself, had been at the head of the Commission, he would have been bound to pay him.<sup>51</sup> He was arguing like a lawyer he knew; but let him tell the House that lawyers were those who had in England always stood up most faithfully for the liberties of the people. The best safeguard for liberty was a rigid adherence to the laws of the land. For his part, he did not believe that any thing he could say, or any thing the angel Gabriel could say, would in the slightest degree alter the opinions or sentiments of the hon. gentlemen opposite; he did not believe any thing under heaven would alter their opinion, except the simple fact of their being transferred from their side of the House to his (Mr. Boulton's) and then he had no doubt they would cheerfully pay all these losses. (Cheers.) If this Commission be issued, the only proper, legal, constitutional way of ascertaining who were entitled to be paid, was to adopt the course which he had had the honour of suggesting, and that was to define, in the terms of the instructions given to the Commission appointed by the late Government, who were the persons entitled to be paid. He proposed to pay the losses of all those who had not been convicted of high treason, or banished to Bermuda. (Hear, hear.) There were records of all these cases in the archives of the Government. It was easy to get the names of all these persons; they were well known; and when it was once known they were all to be excluded, not one of them would make any claims, and there would therefore be no inquiry needed, except into the cases of parties who had sustained losses. But what kind of losses were to be paid? He had brought forward his amendment, because he thought it desirable to define those who were to be paid more definitely than was done in the resolutions of his hon. friend, although he believed the result would have been the same without any such definition, but he wished to make it so clear that those who ran might read. He thought the course pursued by the Opposition on this question was very discreditable. He held in his hand a number of the Brantford Courier which had been sent him, which contained an immense mass of the names of persons who had



sent in their claims under this very Commission issued by the late Government, of the most preposterous and absurd kind. One person he believed, made a claim of £1,500 for time, trouble and exertion in being sent to Van Dieman's Land. They did not, however, propose to pay such claims as those. He did not care what was said at the meeting on Saturday; the meeting was just like any other meeting of the same kind, got up, no doubt, for party purposes by the gentlemen opposite, and if it could be made to attain the object they had in view, it would bring them back into the Government, when, he had no doubt, they would pay all these losses. Now, his (Mr. Boulton's) amendment was, that previous to the words "destruction of the dwelling-houses," &c., the words "unjust, unwarrantable, and unnecessary," should be inserted. (Hear, hear.) It would be said, doubtless, that if there were any cases of that kind, why did not the injured parties appeal to the law? He would answer the question. It was because the law here, as in the part of the country from where he came, was iniquitously altered so as to prevent any body prosecuting for injury done during the rebellion. He (Mr. Boulton) had the good fortune to wring from a Jury--unwilling to give a verdict in his favour--a verdict of £140 for guns taken from a person suspected of being a rebel, but the verdict was set aside by the court, because by the suspension of the constitution, murder, robbery and arson were permitted. He did not think it was any excuse because a man had been taken in arms a month or six weeks before to go and burn down and destroy the house inhabited by his wife and children, that was not a course of proceeding to be tolerated in a British empire, even in Ireland the troops were not permitted to pillage and plunder indiscriminately.--It might be said that the property of a person committing treason was, by the Act of Treason, forfeited to the Crown; and, therefore, instead of burning the property of the rebels, they were burning the property of the Crown which might be taken to pay the losses incurred by those who were loyal. But instead of that, how had they acted? What had been the conduct of General Gore, the Commandant in this District? He had no personal acquaintance with that gentleman, and he should be sorry to say anything unpleasant or offensive; but he derived his information from the evidence taken before the Commission issued by Sir John Colborne. He found from this evidence, that on the 25th November, this General Gore went to St. Denis, and there the hon. member for Richelieu got the better of him. (Hear, hear.) He did not applaud it--he did not even approve of it; but he did not any more approve of Gen. Gore's conduct afterwards, when, on the 2d of December, he returned there, and, perhaps, out of revenge for the flogging he had received, set fire to the houses of the peaceable inhabitants. (Cheers.)<sup>52</sup>

SIR A. MACNAB rose to order.<sup>53</sup>

MR. H. BOULTON said the Chairman had no power to decide a question of order.<sup>54</sup>

SIR A. MACNAB would then move that the Committee should rise.<sup>55</sup>

The CHAIRMAN (MR. H. SMITH of Frontenac) said that if the motion was persisted in, he was bound to leave the Chair.<sup>56</sup>

SIR A. MACNAB merely wished to say that he hoped the hon. member,

when he charged Gen. Gore with<sup>57</sup> having maliciously and wantonly destroyed and burned property, and turning women and children out to perish, had some authority for making the charge.<sup>58</sup> He must recollect that Gen. Gore was still in Montreal, and this was a grave and serious accusation to make against a high military man.<sup>59</sup>

MR. H. BOULTON was not to be intimidated in the performance of his duty. He cared not how high the military man might be, even though he were the Duke of Wellington himself;<sup>60</sup> ((nor)) whether General Gore was in Montreal or not<sup>61</sup>. He spoke of facts recorded in the archives of the Government, and which he could bring plenty of proof to support. Not only had property been wantonly and cruelly destroyed, but loyalists had actually been paid for property burnt down by accident, supposing it to be the property of rebels. Now, he would ask if there was any justice in such proceedings--any common sense? Was it the conduct of persons living under a Christian Government? Was it not rather more worthy of Barbarians and Turks? Such things were not to be endured; men were not to be turned out of their houses, and their property destroyed on mere public report; it was conduct such as he was sure none but those who instigated it would ever attempt to justify, and who were now endeavouring to make political capital out of it, and to excite the whole population of the country, a large portion of whom, to their credit be it said, had taken up arms in defence of their country in times of peril. (Cheers.)<sup>62</sup> Nothing was more easy than to publish statements of losses, for the purpose of rousing the feelings of the people. Statements had been made, that they intended to pay losses which it was never contemplated by any one to pay.<sup>63</sup> Talk about rebels indeed! why, did not Mathews, who was hanged at Toronto, march with the gallant General Brock to the taking of Detroit; but he afterwards got into political squabbles, and became excited in consequence, just as parties are excited now. Would any man tell him, as it was said, that these gentlemen were humbugged by two or three Johnny Raws. To tell him that such a man as Peter Robinson would sign a document, without knowing what it was, was to cast upon that gentleman a degree of opprobrium, which other side would be sorry to do.<sup>64</sup> The hon. gentleman then went on to speak of the system of government which they had under Sir F. B. Head, and to say that if they had then received Responsible Government, he did not believe that there would ever have been any Rebellion<sup>65</sup> for no man would get up a rebellion to attain that which he might get at his own door without firing a shot.<sup>66</sup> His belief in Responsible Government was, that it changed the field of battle-- it changed it from being a battle between the Imperial and Colonial Government, and made it one between two parties in this country. It was the old English combat which was to be fought at the hustings once in every two or three years; and had any one ever heard of any person rushing to take up arms since they had Responsible Government? And not one of those persons who had been in arms he believed, would have been found in them if they had at the time enjoyed Responsible Government.<sup>67</sup> In the United States they never fought because they were in the Ministry; and it would be one of the brightest pages of English history that would point to the glorious nation established on principles of British liberty--principles which had led to the difference



between the colonization of Great Britain and that ((of)) other nations. Responsible Government had raised the Colony almost to the position of an independent nation, for she had the entire control of her concern--control which he trusted would be exercised for the advantage of the common country. But it was said that His Excellency Lord Elgin was a man without firmness or vigour; he ought, if he possessed those qualities, to put an end to the business now before the House; it was even hoped that he could not send down the message which would permit the House to take this subject into consideration. Now, His Excellency was but the representative of the Queen; he was, as a person whom he would not name once said to him of himself--reduced to the condition of the Queen, (laughter,) which he thought pretty well for a subject. But though Lord Elgin was reduced to this humiliating position of his sovereign, he still possessed a little power, because if he did not like his ministers he could dismiss them, and appeal to the people. Then, if the people sustained him, it was all right--if not, all wrong, and he must take them back again. But in that he possessed considerable power; for he could appeal to his hon. friends near him, and ask them whether they like to be dismissed?<sup>68</sup>

"How did you like it?"<sup>69</sup>

MR. H. BOULTON.--He had no liking to be treated unjustly, but did not object to be dismissed for legitimate cause. The hon. member for Sherbrooke had expressed an opinion that strangers and interlopers should have no public offices. He knew not whether the office of Major Campbell was not on as objectionable a footing as when Mr. Higginson used to carry on a surveillance over the Ministers of the Crown, it used to be; but if it were on a proper footing, he had no objection to Major Campbell, who possessed a large property, had married a lady of the country, and had two or three fine children. He should like to know why Major Campbell was not as well entitled to office as any one else. He would like to know what any man born in the Colony would think of similar proscriptions in England. What would the gallant Knight of Dundurn have thought had he been told, when he went to England to ask a commission, that he was a poor, miserable Colonial, and could not have it? Had that been so, he would not have screened his Sovereign at Plattsburgh, nor have led the forlorn hope at Niagara, like a noble fighting cock, as he had been ever since he was fifteen years old. Mr. LaFontaine, if he went to England, and his talents fitted him for it, would have as good a chance as any man born in England to be Lord Chancellor. What was Lord Lyndhurst?--what Prevost?--what the officer who commanded after Brock's death, Sir R. Skeaffe?--what were the three Judges who presided over the three Provincial Benches at that time--Sewell, Powell, and Monk? All natives of Boston. Who was Sir J. Coffin?--an Admiral of the fleet, but born at Nantucket? The hon. member for Sherbrooke accused hon. members on that side of the House of being traders in politics, but he would ask who were the most like traders in politics? they or the hon. gentlemen on the other side, who took every opportunity of misrepresenting and giving a false colouring to every occurrence? Hon. gentlemen on his side of the House had finished their trading, and were enjoying the fruits, and did not want more of it. The hon. member said, moreover,

that there was a British and French party, and that the first were determined to have the latter at their feet. The more shame for them; for his part he desired only to live in good neighbourhood, as fellow-subjects. True, the French Canadians had descended from the French people; but one of the greatest men of the age, Sir Sam Romilly, was the son of a Swiss watchmaker. Again, the hon. member said that the British Government had deserted the loyalists--a most extraordinary statement, but which referred to a simple practical question, and he would state his views of it, it was this,--that he believed the British Government looked upon the little rebellion with less seriousness than they did upon the British riots. (Hear, hear.)--What was the practical condition of things in 1836? Why, it was one of moral disorganization. There were two large parties in the country, the one contending against the other, the Government taking part with the one. It was after this time that the rebellion took place, and what was the result of this? That the Governor conceded every thing sought for to one party who acted with him. Yes, Sir F. B. Head gave that party every thing they wished for, and the practical effect of that was, that a minority now sought to deprive a member of the House who happened to take some part in the rebellion from his vote on the question. Were they to give the people Responsible Government, and then tell them that they might elect a representative, but they were not to elect either Dr. Nelson, or Mr. Papineau, because they had been concerned in the events of that time. Such a course would not be just. And now that they had been returned to that House as representatives of the people they had no right to be called rebels; but such had been the natural result of the state of things to which he had alluded. He wished that the House would discuss the subject as Christian men, and not as a camp of Affghans (sic), ready as it were to cut each others throats. They ought rather to endeavour to conciliate, and try to heal the wounds which had been made. They would do more good to the country by such a course than by calling one bad names, which could only inflame men's minds, and bring no good result. The great object they had in view was the compensation of losses sustained during the events of 1837 and 1838--a measure which had been brought forward by the late Administration, and, as an explanation to the statement which had been published by gentlemen opposite throughout the length and breadth of the land, he would read the amendment he was about to propose, and which was as follows:--

That immediately before the words "destruction of dwellings" in the fifth Resolution, the following words be inserted, viz., "unjust, unnecessary or wanton," and that the following Proviso be added to the Resolutions:--

Provided, that none of the persons who have been convicted of High Treason alleged to have been committed in that part of this Province formerly Lower Canada, since the first day of November, 1837, or who, having been charged with High Treason, or other offences of a treasonable nature, and having been committed to the Sheriff in the gaol of Montreal, acknowledged their participation in such High Treason, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's Island of Bermuda--shall not be entitled to any indemnity for losses sustained during or after the said rebellion, or in consequence thereof.



His object in moving such an amendment was for the purpose of excluding every body from compensation who by possibility could be proved to have brought the destruction upon themselves, and because he believed that unless they established what had been called a star chamber, no proper distinction could be drawn otherwise than by adopting the amendment he had proposed. He did not think that there was any better means of ascertaining the parties who did not take part in the rebellion, and that was the cause of his adopting the course he had done. His intention was to exclude every person whose property was destroyed in opposing the King's arms, and only to compensate for such as had been destroyed in a wanton and unjust manner. (Hear, hear.) And he hoped that a majority would be found in the House to pay those losses, he would not say unjust losses, although in so doing he would only be following out the phraseology of the late Ministry, but he would say that he trusted all the just losses would be paid, and then will there be an end to that recrimination and bickering which has so long continued. As the subject was one which would possibly call on him to address the House again, and the night was drawing late, he would conclude for the present.<sup>70</sup>

DR. NELSON dit qu'il désirait sincèrement qu'il ne lui fut donné aucun argent, si ceci pouvait empêcher le paiement des justes pertes encourues par tant d'autres; que ceux-ci soient appelés rebelles ou loyalistes. Si, par l'adoption de cet amendement, il pouvait faire passer la mesure en cette chambre, il serait infiniment heureux. Il avait exposé sa vie dans le service de son pays; peut-être était-ce imprudemment, mais toujours c'était dans le service de son pays. Il avait sa liberté au plaisir et à la volonté de lord Durham, afin de faire prévaloir les vues larges et généreuses de cet excellent homme. Il avait désiré faire ceci pour établir la paix et la tranquillité, parce qu'on lui avait donné à entendre qu'il fallait quelque chose pour calmer le parti auquel il avait toujours été opposé. Lord Durham désirait faire ouvrir les portes des prisons encombrées; et lorsque son émissaire vint le voir, (le Dr. N.) déclara que si, en consentant aux désirs de lord Durham, si même en faisant sacrifice de sa vie, il pouvait effectuer l'objet qu'avait en vue le gouverneur, il ferait cela avec plaisir et satisfaction. Il avait déclaré qu'il fera tout pour être utile à ses malheureux frères, pourvu qu'il n'y ait de l'ignominie et des bassesses. Il ne confesserait pas avoir fait aucune chose qu'un sujet britannique n'avait pas droit de faire; et s'il avait été dans l'erreur, il l'avait été infiniment moins que ceux qui l'avaient forcé à prendre des mesures de résistance. C'était les hommes au pouvoir en 1837, qui, en foulant les lois aux pieds, avaient forcé le peuple à le défendre. Ils étaient les rebelles et non le peuple! Comme preuve qu'il ne se sentait pas coupable, il mentionnerait qu'il était certain qu'il ne pouvait être accusé tout au plus que d'un léger délit, en assistant à une assemblée des "cinq comtés," et que, quinze jours avant la bataille de St. Denis, il était venu en cette ville pour transiger des affaires; on lui dit alors qu'il ferait mieux de s'en retourner, car il serait arrêté. Il refusa, et demeura à Montréal une journée de plus qu'il se l'était proposé, afin de donner occasion au gouvernement d'adopter des démarches contre lui, si telle

était son intention. Il était accusé d'avoir commis une haute-trahison; et il tarda ici pour apprendre les accusations qui seraient portées contre lui. Il était du devoir des autorités de le faire arrêter en ce moment; mais sans doute on se plaisait plus à faire des démonstrations et parades de pouvoir, et à intimider et insulter. Voyant qu'on ne s'emparait pas de lui; il partit, et ensuite, accompagna les restes d'un ami à Sorel. Là, plusieurs loyaux de l'endroit désiraient le faire arrêter. Sir John Colborne passait dans le village en ce moment, et ils s'empressèrent de lui faire connaître l'occasion qui'il possédait d'arrêter ce prétendu chef d'insurrection. Mais sir J. Colborne leur dit: "Laissez-lui remplir ses devoirs envers son défunt ami, et ensuite, si vous avez des dépositions contre lui, agissez." Or, depuis ce temps jusqu'au 23 novembre 1837, je n'avais pris aucune autre attitude qui put m'incriminer d'avantage. Mon temps était occupé, tout entier, à veiller à mes devoirs professionnels, et à surveiller aux opérations de mon établissement. Vers cette époque, les autorités envoyèrent à St. Jean, et dans la nuit leurs émissaires, des volontaires se saisirent de deux estimables citoyens, qu'ils enlevèrent pour les mener à Montréal, chargés de chaînes et de cordes, et auxquels ils firent subir toutes sortes d'ignominie et d'injures. Quelques jours avant, on menaçait ouvertement de pendre certains citoyens de cette ville à leurs fenêtres. L'outrage était à l'ordre du jour. Les magistrats n'étaient pas les moins actifs dans ces scènes de désordre et de violence, au lieu de prêter secours pour restreindre de telles atrocités. J'eus des nouvelles d'une descente méditée sur St. Denis. N'avais-je pas le droit de m'opposer à de pareils attentats, et de mettre ma vie en sécurité? Je me serais rendu de suite, si on eût émis des warrants pour mon appréhension, selon les formes ordinaires de la loi, mais n'avais-je pas lieu de craindre qu'on réprétait à mon égard les violences qu'on s'était permis à St. Jean et à Montréal? Un monsieur avec lequel j'avais transigé des affaires à un grand montant, vint me voir, et apercevant des fusils et autres armes, ce qui portait une apparence assez hostile, s'en étonnait. Je lui dis qu'ils étaient là pour ma propre défense, et non pour attaquer; que jamais je ne consentirais à être arrêté comme le plus vil de la société; à être conduit en prison, enchaîné et chargé de cordes. De bonne heure, le matin du 23 Nov. nous avons été informés qu'un fort détachement de soldats se dirigeait sur St. Denis. A six heures (A. M.) je suis allé au devant d'eux pour connaître leur force et leur position. Je les rencontrai à plus d'une lieue de village, où je faillis tomber entre leurs mains. Je tâchai de retarder leur progrès; et avec une centaine de mes amis, les habitants des environs, on leur préparait une chaude réception et cela devenait nécessaire. Je disais à ce moment à mes amis, que si l'on me présentait un warrant, avec les formalités voulues par la loi ordinaire, que je me soumettrais, mais que je ne céderais sous aucune autre considération. J'ajoutais que ceux qui désiraient demeurer près de moi, étaient les bienvenus; mais qu' aussitôt que l'engagement aurait commencé, chacun serait obligé de faire son devoir; ils restèrent tous, et le résultat de cette journée est bien connu. Beaucoup s'en faut que je me glorifie de ce résultat; si la victoire a succédé à nos efforts, elle a été due à d'autres circonstances qu'à ma capacité militaire. Lorsque j'étais enfant, je me



permettais de représenter, tantôt le soldat, tantôt le major; mais sérieusement, je n'avais jamais songé à devenir général ou combattant! Ce que je viens de dire doit convaincre tout le monde que nous n'avions médité aucune attaque sur Montréal ou sur les troupes. Je fais ces remarques, non pour m'accueillir la bienveillance, ni la faveur de l'autre côté de la chambre, mais bien pour corriger toutes fausses impressions, et mettre tout le monde au fait des circonstances et événements de cette époque.

Quant à mes réclamations pour les pertes que j'ai encourues; en obéissance à l'avis publié par ordre de lord Metcalfe, j'ai présenté un détail aussi correct et minutieux que possible, de ce qui fût détruit chez moi au montant de £23,000. De cette somme, £11,000 en efforts appartenaient à mes créanciers, dont les noms et les montants ont été transmis à la commission, avec autant d'exactitude que possible, car mes livres ont été détruits. Pour preuve que je ne songeais pas à la guerre, et que je n'anticipais pas ces événements je puis dire que j'avais dans mes hangards, entre 40,000 et 50,000 minots de grains, et que mon établissement était en pleine et profitable opération. Il y avait 1,000 cordes de bois, 2 charges de goëlettes de charbon, et pour £2,000 de whisky, de première qualité, prêt à être expédié à Québec. Les soldats enfoncèrent les tonneaux, emportèrent les grains, et puis ils mirent la torche à la distillerie, qui seule m'avait coûtée £6,000 et qui contenait un engin de la force de 50 chevaux, quatre des plus belles moulanges, bluteaux, &c., deux belles et grandes sliks, en cuivre, avec tout leur appareil, le tout contenu dans une bâtisse couvrant deux cent pieds de terrain, et de deux à quatre étages de hauteur. Il y avait aussi une forge, une boutique de forgeron et un hangar à liqueurs. Tout ceci fut consumé. Mais on ne s'arrêta pas là. Ma propre demeure, avec tout son contenu, quatre maisons de fermes; quatre granges immenses remplies des fruits d'une opulente moisson, et douze autres bâtisses devinrent la proie des flammes. Un très grand nombre de chevaux et autres animaux de ferme enlevés, ainsi que tous les ustensiles d'agriculture. Où est, maintenant l'homme qui aura l'audace de dire que j'étais en déconfiture? Un excellent et honorable ami dans cette Chambre sait que j'étais dans un état des plus propères. Que l'on se rappelle qu'aujourd'hui je n'ai plus de créanciers, car il m'a fallu avoir recours à la loi de Banqueroute; j'étais à peine arrivé en cette ville, dénué de tout, qu'un honnorable et riche citoyen est venu me demander £40, pour des fonderies, lesquelles avaient passées aux flammes avec le restant de mes biens. Mais je demande que justice soit rendue à mes créanciers (d'avant les troubles) qui connaissaient bien et mes moyens, et mon désir de liquider nos affaires, ce que je pouvais facilement faire.

Je ne désire blesser personne, mais je dois dire ce que je pensais des actes du défunt ministère. Je dois dire que je voyais avec plaisir qu'ils avaient le courage de faire,--ce qui me semblèrent de bonnes choses. Ils nommèrent promoteur le fils de M. J. J. Papineau, bien qu'il fut connu que ce jeune monsieur avait juré fidélité à une puissance étrangère, aux Etats-Unis. Je ne le blâmais pas, il était avocat, et pour exercer sa profession aux Etats-Unis, il fallait être citoyen naturalisé et lui, comme nous tous, ne pensait pas revenir sitôt dans

sa patrie. Ils ont appointé le Dr. Masson, mon ami et confrère de prison et d'exil, à une situation dans le département des douanes. Ils ont donné une commission de capitaine de milice à M. Bonaventure Viger, lui aussi compagnon de prison et d'exil. Ensuite, ils me nommèrent à la magistrature de cette ville et puis je fus appelé à la présidence d'une commission importante de cinq médecins, quoique cet appointement ne fut pas lucratif. En dernier lieu, ils ont payé £4,500 à M. Papineau, pour arrérages à lui dûs comme orateur de l'ancienne chambre du Bas-Canada. Tous ces faits m'ont portés à croire que l'ancien ministère pouvait concevoir quelques vues larges, sages et politiques. Mais l'illusion a été bien passagère, et on apperçoit maintenant que leurs seuls but et motifs étaient de se créer des partisans. Ils ont eu la bassesse de reprocher au ministère actuel d'avoir donné la situation de maître de hâvre au digne cap. Morin; un homme qui jouit de l'estime générale, et en vérité il doit sa situation à la recommandation des tories, qui étaient certainement opposés en politique à M. Morin. A l'âge de 19 ans, j'étais loyaliste outré; toujours à la tête de la jeunesse qui faisait des feux de joie lors de naissance du souverain, George III le 4 juin; et le premier en tous actes de loyauté. Laissant le toit paternel, pour vivre parmi les Canadiens, j'emportais avec moi les préjugés contre tout ce qui était français et catholique. J'ai pourtant bientôt su apprécier les vertus domestiques, sociales et religieuses de ces mêmes personnes, et comme mon hon. ami du Lac des Deux-Montagnes, j'ai de suite appris à les aimer et à les respecter. Sur la frégate, dans le pont de Québec, qui devait nous conduire en exil, j'ai dit à M. Buller, secrétaire de lord Durham: "Vous êtes entouré de personnes intrigantes qui s'adressent à vos préjugés nationaux et religieux. Permettez que je vous dise que je suis anglais; s'il se trouve chez moi un tant soit peu de bien, il est anglais; tout ce qu'il y a de méchant chez moi est anglais; je suis protestant, comme ont été tous mes parens. Y aurait-il, donc, du bon sens à croire que je me serais mis en ligue avec les Canadiens-français pour écraser les anglais? que je me serais associé aux catholiques pour abattre les protestants? Si quelqu'un, parmi les partiotes, m'eut intimé ces sentiments, j'aurais foulé le misérable à mes pieds. Mais il n'en a pas été et ne le saura non plus. Eux, comme moi, désirent la réforme de graves abus, et je voulais léguer à mes enfants, ce qui vaut infiniment plus que des milliers de louis, un gouvernement sage et honnête." Un des officiers du vaisseau m'informa subséquemment que lord Durham s'était ainsi exprimé au capitaine de la frégate: "ces hommes, vos prisonniers, ne peuvent être ni mauvais hommes, ni mauvais sujets de l'Angleterre," et sans doute ce fût par l'influence de ces paroles que nous fumes si bien traités sur ce vaisseau, et aux Bermudes.

L'hon. member pour Hamilton a osé dire que les Canadiens étaient des étrangers sur cette terre! N'est-ce pas Jacques Cartier, dont le portrait fait l'admiration de tous, dans la halle de cette Chambre, qui a le premier monté le majestueux St. Laurent. Ne sont-ce pas les Français qui ont colonisé ce pays? Ne sont-ce pas eux qui ont disséminé pour les sauvages de ce continent, les bienfait ineffables du Christianisme? N'est-ce pas Charelvoix, qui a le premier écrit l'histoire de ces pays? En vérité il y a de quoi s'indigner. On voudrait nous



faire croire que leurs descendans sont des étrangers et doivent être opprimés, écrasés. Ces mêmes étrangers ont conservé ce pays à l'Angleterre en 1776, lorsque de véritables anglais ont repoussé la domination anglaise du pays voisin, et voulurent ensuite en faire de même ici. Ce même peuple, en 1812, a bravement défendu ce pays contre les Américains, lorsqu'il y avait ni troupes, ni argent à la disposition du gouvernement. Et ceci deux ans seulement après que le pays avait été injurié et insulté par le gouverneur despote, mené par la vielle faction anti-Canadienne, qui avait emprisonné plusieurs de leurs chefs les plus chéris et les plus marquans. Il y a deux ou trois ans, on se rappelle que j'ai accusé un membre tory qui a eu l'indescrétion de faire allusion à ma loyauté; que lui le sujet loyal, en 1812, a refusé de prendre les armes pour défendre le pays contre l'invasion menacée par nos voisins. Il s'était tenu derrière son comptoir, faisant payer 22½ par cent de bonus au Gouvernement pour des prêts d'argent. Je reconnais pourtant que c'est un bon et charitable citoyen, qui dans des temps de malheurs s'est hâté de prodiguer, des secours aux Canadiens. Je fais ces allusions pour démontrer la prétendu loyauté de certains bretons. L'hon. membre pour Hamilton a eu la franchise d'avouer que l'Union avait été ourdie dans l'intention purement d'écraser, de perdre le Bas-Canada; mais il nous a dit que ce sont les habitans de l'autre province qui en et qui seront les victimes. Je connais, mieux que quiconque, les Canadiens, et je suis persuadé qu'ils répudieront l'idée de faire endurer du tort à leurs co-sujets du Haut-Canada. Ils les traiteront avec égards et générosité. Ils désireront vivre en harmonie avec eux. Les Français les ont abandonnés, l'Angleterre nous accorde plus de protection; soyons donc ni français, ni Anglais, mais tous Canadiens; travaillons avec vigueur et intelligence à notre bien mutuel; car on est tellement situé que le malheur d'une section du pays, dont infailliblement entraîner celui de l'autre; nos intérêts sont communs, travaillons donc d'un commun accord. Au nom de la justice au nom de la postérité, au nom de Dieu, que toute division, que tout sujet de discorde cesse en présence de l'humanité et de nos droits les plus sacrés.

Il a été dit que les canaux recèlent tout les avantages qui en résultent, au Haut-Canada, et que nous avons été forcés à payer la moitié de l'énorme somme employée dans leur construction. Ces canaux valent tout ce qu'ils ont coûtés, et en peu de temps seront une source, de grands revenus, pour nous tous, sans distinction. Bien que l'on tentera probablement de ruiner ma position politique pour avoir fait l'aveu, comme on a voulu faire par rapport à mes paroles sur l'acte d'Union, que ces canaux produiront de grands bénéfices pour le pays entier; je devrai rire de pareilles tentatives, comme j'ai fait par le passé. Je ne désire plus revenir siéger en cette chambre; il est temps que je me dévoue tout entier à mes propres intérêts, et on ne me verra dans cette enceinte, à moins que ce soit pour le soutien de quelque grand principe constitutionnel et le maintien du gouvernement responsable. S'il était possible de rendre nos sentimens palpables, l'hon. membre pour Hamilton verrait combien je suis peiné de ses remarques cruelles et si peu convenantes. Il parle de rebelle dans les termes les plus offensifs. Qu'il apprenne donc qu'un rebelle ne

peut siéger dans ce lieu. Des remarques comme celles-là sont ni honnêtes, ni loyales, ni amicales, ni dignes d'un gentilhomme.

Nous avions prié, sollicité l'Angleterre de ne pas nous traiter en étrangers, mais de nous rendre justice. Qu'a dit le célèbre Pitt, l'Earl Chatham, en présence de la fière aristocratie d'Angleterre, en parlant des colonies, maintenant Etats-Unis. Il disait "que s'il était colon américain, comme il était sujet anglais, jamais il ne mettrait bas les armes, après tant de torts et de vexations, à moins que ses droits et privilèges lui furent assurés. Ses paroles furent prophétiques, je les citerai: "En ce moment, à genoux, ils accepteront avec reconnaissance votre acquiescement à leurs désirs; vous leur refusez avec dédain; mais bientôt vous leur en ferez l'offre, mais eux se moqueront de vous." Ce sont les paroles d'un homme dont le nom passera avec gloire à la dernière postérité, et dont chaque Anglais doit s'enorgueillir. Un pareil langage aurait, sans doute, en son application pour nous, aussi, bien que pour tout autre peuple qui gémit sous la tyrannie. L'état de bouleversement qui désole actuellement l'Europe, reconnaît pour cause, là comme ici en 1837, et longtemps ayant un pacte d'hommes avides, ambitieux et sans principes. Les couronnes se font ruer dans les rues; les trônes sont renversés et détruits, et les souverains deviennent mendiants, et parcourent des terres étrangères; le sang ruisselle; l'anarchie est à l'ordre du jour: toutes espèces d'horreurs sont commises, et ce terrible état de choses, est le fruit, moins, bien moins, des vices et des folies des rois eux-mêmes, que la cupidité, l'immoralité et le machiavélisme de l'entourage de leurs trônes. Il n'y a pas de forteresse si imprenable que les affections d'un peuple; il n'y a pas d'armée si puissante qu'un peuple heureux et bien gouverné; il sent que c'est autant de son devoir que de ses intérêts, de se rallier autour d'un gouvernement sage et équitable. Le cultivateur ne laissera pas ses champs, l'artisan son banc, et l'humble médecin sa lancette, pour se faire soldats, risquer leurs vies, leurs biens et leurs familles, s'ils n'y étaient pas poussés par une longue série d'injustices et d'oppression. Les exilés aux Bermudes ont désiré assister le Lord Durham dans ses vues sages et bienveillantes, et leurs entretiens, ou plutôt correspondances avec lui, et sa conduite à leur égard, lui ont conquis leur plus profond respect, et même attiré leur reconnaissance envers le trône. Nous n'avons pas été traités en félons, mais en gentilhommes malheureux. Partout nous avons été les apologistes, nous avons justifié la conduite de ce gouverneur. Nous avons regretté son départ du Canada et encore plus sa mort, qui eut lieu bien trop tôt pour le bonheur de ce pays et pour celui de l'Angleterre même. Quelques hommes peu généreux, incapables de faire aucun sacrifice pour le bien-être de leur patrie, ont tenté de traiter notre rapprochement avec le lord Durham, et la lettre que nous lui avons adressée, en réponse à ses propositions, comme une preuve de faiblesse, bassesse même. Mais tout homme honnête n'y verra que des sentimens hauts, fiers et indépendans. Aussi-tôt que cette lettre fut écrite et expédiée, il nous a semblé qu'on pouvait la regarder comme une approbation, plutôt que comme un assentiment de la légalité des lois passées par le conseil spécial, et de suite nous avons écrit celle qui suit; comme protestant contre la légalité des procédés de ce corps anomal et sans



précédens dans les annales du pays.

Prison de Montréal, 18 juin, 1838.

MONSIEUR.--Les sousignés vous prient d'avoir l'obligeance de vous charger de l'adresse ci-inclue, à notre gouverneur distingué, laquelle nous vous sollicitons de nous faire l'honneur de lui présenter, de notre part.

"En prenant cette démarche, nous croyons nécessaire de désavouer aucune intention de notre part, de nous prévaloir le moins, d'une ordonnance passée par le conseil spécial de cette province, chap. 15, que nous ne pouvons que répudier comme répugnant à ces principes de justice et d'honneur qui devraient former la base des lois anglaises. Nous sommes mûs par des motifs bien plus désintéressés en se reposant sur lord Durham pour l'interprétation de nos actes politiques.

Nous désirons que ce désaveu de notre part soit respectueusement communiqué à Son Excellence, persuadés qu'il applaudira plutôt que de blâmer cette jalousie de nos droits, comme sujets britanniques."

Vos serviteurs,

A. J. Simpson, écr.

{ WOLFRED NELSON,  
R. S. M. BOUCHETTE,  
S. MARCHESSAULT  
et les autres.

Qui, en présence de ce document aura l'assurance d'avancer que nous étions pusillanimes et que nous avons fléchi devant l'autorité. Ni la dignité de l'homme, ni les intérêts de nos compatriotes ont souffert par la ligne de conduite adoptée par les exilés aux Bermudes. L'hon. solliciteur général Ovest nous a dit qu'il y avait deux espèces de loyauté. Je comprends bien cette loyauté que notre souveraine distinguée a été obligée de reconnaître en montant sur le trône, et à laquelle elle-même a juré fidélité. C'est l'incomparable constitution de l'Angleterre qui fait l'envie de tous les pouvoirs européens, et les hommes qui sont le plus zélé pour avoir la constitution toute entière sont ses plus puissants et plus fidèles supports, et font la gloire et la sécurité de la couronne. Et le gouvernement responsable qui nous est octroyé en ce moment; s'il est franchement et honnêtement observé par les autorités, devra faire notre bonheur et accomplira les vues bienfaisantes de lord Durham. Nous n'aurons rien à envier aux Etats-Unis, et aucune classe de la population ne manifestera plus d'attachement à cette constitution ni plus de courage dans sa défense de toute agression, soit de l'étranger, soit dans le pays même, que les exilés et tous les autres qui ont porté les armes en 1837 et 38. Mais aussi qu'il soit connu que les canadiens ne consentiront jamais à être dominés et tyrannisés par une petite minorité, ni par une majorité obtenue par la fraude et la violence. Il faut qu'ils soient convaincus que les mesures d'aucune administration soient opposés sur l'équité et sur les vrais principes du gouvernement responsable.

En regardant mes notes, je vois les mots Goths et Vandals, qui ont été mis amplement à contribution dans cette discussion, et il n'est pas surprenant, lorsqu'on songe au passé. Je ne désire pas réveiller de pareils et pénibles souvenirs, ni blesser quiconque, en faisant usage des expressions offensives et dégoûtantes trop souvent employées par l'autre côté de la chambre; mais si j'y étais disposé, je pourrais citer

des actes de vandalisme qui feraient frémir d'horreur, glaceraient le sang dans les veines; et ces atrocités étaient les oeuvres de ce parti qui se glorifie d'être loyal par excellence et les meilleurs et plus dévoués sujets de la couronne! Mais il n'est pas de mon désir d'exciter des mauvaises passions, je désire que tout soit enveloppé dans l'oubli.

On s'écrie contre la somme qui est jugée nécessaire pour liquider ces réclamations, et on oublie les vastes montants perdus si souvent pour le peuple. On fera bien de se rapeller, que quand l'ancienne chambre du Bas-Canada a voulu faire rendre compte à M. John Caldwell, receveur-général des argens publics qu'il devait avoir entre ses mains, que la chambre a été traitée de rebelle etc., et Caldwell a fait défaut au montant de £109,000. Tout dernièrement encore on a coulé dans le lac St. Pierre une somme suffisante pour satisfaire toutes les réclamations. Dans le Haut-Canada il y a eu d'immenses péculats et fraudes. Et aujourd'hui on est assez peu juste, non mal disposé, pour avoir recours à toutes sortes de moyens pour exciter les esprits, causer du trouble, et de renverser non seulement l'ordre social, mais gouvernemental. Non, ce n'est pas avec des vues d'économie que l'on dispute cette approbation, mais bien pour déverser la haine et la rancune, en excitant l'esprit de parti, et tout ceci est produit par le désir de l'opposition de chasser de leurs sièges nos ministres, et s'asseoir galamment à leurs places. Voilà le secret du misérable brouhaha qui agite le pays en ce moment.

Ces messieurs savent-ils toute l'étendue du mal dont ils peuvent affliger le pays en tenant une ligne de conduite semblable? Le commerce peut en souffrir au point de diminuer les revenus pour cette année, au delà même du montant requis pour la liquidation de ces demandes, et par là faire un tort immense à toute la société. Je fus indigné lorsque j'ai vu l'hon. member pour Sherbrooke tirer de sa poche un billet de débentures de \$29, et disait-il, qui n'en valait que \$19. Une telle assertion dans cette Chambre peut bien avoir l'effet de déprécier la valeur de cette monnaie, qui est, actuellement, en Angleterre et aux Etats-Unis, "at par." Cette conduite doit entraîner un tort signalé à tous. Si certains individus savaient consulter l'intérêt général, s'ils étaient vraiment de bons citoyens, ils chercheraient à établir la concorde et l'harmonie, sans lesquels le pays ne peut être heureux ou prospère. Nous devrions savoir traiter les grandes questions nationales, sans y mettre un si honteux esprit de parti.

Quant à la mesure actuellement devant la Chambre, je prie les hon. ministres de ne pas permettre que les réclamations que j'aurais eu droit de faire pussent les induire à la rejeter. Je retire, j'abandonne, mes droits; car je désire ardemment que l'on rende justice à tant d'autres, pour être moins coupables, si culpabilité il y a eu; et qui peuvent être plus en besoin que moi. Les beaux sentimens patriotiques qui ont porté mes amis à me joindre dans notre exil volontaire, les induiront sans doute à faire encore ce sacrifice sur les autels de leur patrie. Mon hon. ami des Deux Montagens m'a reproché d'avoir dit à l'hon. membre pour Hamilton que je ne donnerais pas ma voix sur cette question. Mon ami avait raison. Je ne suis pas dans cette enceinte pour veiller à mes intérêts personnels, mais bien pour représenter ceux du Comté de Richelieu. Et le 9 janvier dernier, à une assemblée



qui eut lieu à St. Ours, des résolutions furent adoptées, m'ordonnant de voter sur cette mesure, ce que je puis faire maintenant, sans être accusé de vues personnelles et intéressés. Je puis dire hautement que mes motifs sont purs et désintéressés; autrement je ne pourrais me respecter moi-même, et assumer l'attitude dignifiée qui convient à l'honnête homme, et que je désire maintenir partout, et spécialement dans cette Chambre. Je terminerai mes observations en listant les dernières paroles d'un discours prononcé par l'éloquent et le vertueux sénateur de l'état de Kentucky, Henry Clay, la gloire de sa nation, et l'honneur de l'humanité. J'éprouve un grand bonheur, de connaître ce brave et distingué patriote.<sup>71</sup>

"I cannot lay myself down in the way of the welfare and happiness of my country. That, I cannot,--I have not the courage to do it. I cannot interpose the power with which I may be invested--a power conferred for my personal benefit, not for my aggrandizement, but for my country's good,--to check her onward march to greatness and glory. I have not courage enough, I am too cowardly for that. I would not, I dare not, in the exercise of such a trust, lie down, and place my body across the path that leads my country to prosperity and happiness. This is a sort of courage widely different from that which a man may display in his private conduct, and personal relations. Personal or private courage is totally distinct from that high and noble courage which prompts the patriot to offer himself a voluntary sacrifice to his country's good. \* \* \* Apprehensions of the imputation of the want of firmness sometimes impel us to perform rash and inconsiderate acts. But PRIDE, VANITY, EGOTISM, so unamiable and offensive in private life, are vices which partake of the character of CRIMES in the conduct of PUBLIC AFFAIRS. The unfortunate victim of these passions cannot see beyond the little, petty, contemptible circle of HIS OWN PERSONAL INTERESTS. All his thoughts are withdrawn from his country, and concentrated on his consistency, his firmness, HIMSELF. The high, the exalted, the sublime emotions of patriotism which, soaring towards Heaven, arises far above all mean, low, or selfish things, and is absorbed by one soul transporting thought of THE GOOD AND THE GLORY OF ONE'S COUNTRY, and never felt in his impenetrable bosom. That patriotism which, catching its inspirations from the immortal GOD, and leaving, at an immeasurable distance below all lesser, grovelling, PERSONAL interests and feelings, animates and prompts to deeds of SELF-SACRIFICE, of VALOUR, of DEVOTION, and of DEATH itself. THAT IS PUBLIC VIRTUE,--THAT IS THE NOBLEST, THE SUBLIMEST OF ALL PUBLIC VIRTUES."<sup>72</sup>

Je seconde la motion de l'hon. membre pour Norfolk.<sup>73</sup>

MR. CHRISTIE rose amidst cries of adjourn and question. He would not, he said detain the house for more than a minute or two. He nearly (sic) wished to have one or two explanations from the hon. member, who just sat down. He would feel much obliged by the hon. member informing the house whether at the meeting of the six Counties a Resolution was passed to the effect, that efforts should be made to get Her Majesty's troops to desert, and whether he had any knowledge of a Declaration of Independence having been drawn up and issued.<sup>74</sup>

DR. NELSON said, that there was a Resolution something like what

had been stated by the hon. member passed, and that, with regard to the other question, on the night of the 22nd of November, after they had received letters from Montreal, and they thought they were deprived of the protection of the laws, and that their property was given up to pillage, he would frankly say that there was a Declaration drawn up and signed. It was signed by some four or five individuals. It was in the possession of another person, who had occupied a very prominent position in the affairs of those days; and if that gentleman, and some others of them, had been arrested, things would not have gone as they did. He (Dr. N.) regretted that those occurrences had taken place, but he was not ashamed of them.<sup>75</sup>

DR. DEWITT made some remarks to show that Dr. Nelson's affairs were not in the bad position at the time the troubles occurred that some people said they were, and stated that from all he knew he had always believed that there was no premeditated design, either on the part of the members for Richelieu and St. Maurice, to resort to violence.<sup>76</sup>

MR. BADGLEY moved, that the Committee rise and report progress, and ask leave to sit again.<sup>77</sup> (No, no.)<sup>78</sup>

COL. PRINCE supported the motion, it was now nearly two o'clock, high time for all sober people to be in bed, (no, no.) He wished to know from Ministers--their masters--if they intended to bring the discussion to a close to-night, (yes, yes.)<sup>79</sup> He (Col. P.) was led to believe, from a remark he had heard of the Attorney-General East, that it was intended to take the vote to-night upon the Resolutions. He protested against their forcing the house to a decision upon such an important question, without allowing full time to all the members to deliberate fully upon it, and without affording the country time to express its opinion. He trusted the hon. members opposite would consent to the debate being adjourned, for he was determined that the members should not be forced into voting the question to-night; and if the members opposite refused to consent to the adjournment, then he was prepared to keep them there until seven in the morning.--(Laughter.)<sup>80</sup> He intended to read the greatest part of Lord Durham's Report, and<sup>81</sup> he had brought down a long account of Sir F. Bond Head's Government, and the first volume of Clarendon's History of the Rebellion. He intended to read them to the house if they persisted on going on<sup>82</sup> to press off the question to-night.<sup>83</sup> (Laughter, and cries of read, read, and go on.)<sup>84</sup>

MR. W. SCOTT (Two Mountains) protested against the debate being adjourned. The question had been debated well enough already, and he was prepared to stay there to six o'clock; rather than to allow the time of the house to be further wasted by factious opposition.<sup>85</sup>

A long and straggling debate was then commenced, but as Reporters are but mortal, we are unable to give anything like a report of the speeches.<sup>86</sup>

MR. CHAUVEAU spoke at some length against the house affirming that the decisions of the Courts Martial, referred to in the amendment of the hon. member for Norfolk, should be considered legal.<sup>87</sup>



MR. MEYERS opposed the resolutions, in a disjointed speech of considerable length, amidst shouts of merriment. The hon. member, to make use of his own language, had been "dining rather late."<sup>88</sup>

MR. MCCONNELL followed, and made a long speech against the resolutions<sup>89</sup>.

MR. DICKSON, ((spoke)) on the same side.<sup>90</sup>

MR. BADGLEY again moved that the Committee rise and report progress, (no, no, no.)<sup>91</sup>

COL. PRINCE wished to have an answer to the question he had put to the Ministers, as to whether it was their intention to press the house to a division upon the question that evening.<sup>92</sup> The majority of the House seemed to think they could--<sup>93</sup>

An hon. member, after eight days debate<sup>94</sup>.

COL. PRINCE.--but they were entirely mistaken. They had no right to hurry the matter through.<sup>95</sup>

MR. INSP. GEN. HINCKS said that if there was an understanding that the question should be taken up to-morrow, they would adjourn; but the hon. members were speaking against time to annoy the Ministry, and the only thing for them to do, therefore, was to sit on, even though they sat for several days, without adjournment, (cries of "go on.")<sup>96</sup>

COL. PRINCE again urged an adjournment.<sup>97</sup>

MR. J. S. MACDONALD (Glengarry) complained of the time wasted by the members opposite in offering factious opposition to the measure.<sup>98</sup> He was in favour, before separating, of agreeing to meet to-morrow to settle the question, (cries of "go on.")<sup>99</sup>

MR. AT. GEN. BALDWIN had never offered factious opposition when he was in a minority. They had twice agreed to an adjournment, he hoped therefore,<sup>100</sup> that considering all the time that had already been taken up, he was not willing to adjourn the debate, unless there was an understanding between the Ministry and the members opposite, that they would allow the Resolutions to be adopted at the next sitting of the house, without offering any factious opposition to them.<sup>101</sup> They would have another opportunity of expressing their opinions on the bringing up of the report of the Committee.<sup>102</sup>

SIR A. MACNAB said, that the members on his side had been unfairly treated by the Ministry, not one of whom had yet stood up and given them any explanation of the measure.<sup>103</sup> The opposition were not prepared to vote without hearing one word from the Attorney Generals East and West.<sup>104</sup> He thought the country was bound to know. The Ministry appeared desirous of bringing the measure through before the voice of the people of the country was heard; they were already beginning to get frightened, and he had no doubt that they would back out from the measure some way or other yet<sup>105</sup> and shelter themselves under the amendment of the hon. member for Norfolk<sup>106</sup> because they were afraid of the consequences of passing it.<sup>107</sup>

MR. G. SHERWOOD (Brockville) declared that the opposition had con-

stitutions as strong, and wills as firm as their opponents, and they would sit as long as they chose.<sup>108</sup>

MR. INSP. GEN. HINCKS.--That's a pretty spirit to legislate in.<sup>109</sup>

MR. AT. GEN. BALDWIN thought every opportunity had been afforded to discuss the measure, that as much notice had been given of it as was usually given of other measures and he really trusted that no more time would be wasted in offering factious opposition to this measure. He would put it, if he or his friends had ever offered any unnecessary opposition to any of the measures of the members opposite, when they were in power.<sup>110</sup> The whole irregularity of the debate arose from the irregular course pursued by the opposition in discussing Mr. Sherwood's amendment, instead of the main question; they had thus deprived his hon. friend, the Attorney General East, of an opportunity of giving any explanation until he rose on the last night of the debate. They were prepared to sit until the matter was disposed of, as it must be brought to a close.<sup>111</sup>

MR. J. A. MACDONALD (Kingston) considered that the members on his side of the house had been shamefully treated by the Ministry. They had been hurled into the consideration of the Resolutions without any notice, or without any explanation being given of the measure. And now, because the members opposite had found that the people of the country were indignant at the measure, they were afraid to wait until the people had an opportunity of expressing their opinions on it, for fear that some of their supporters might become unwilling to vote for the measure, after they were informed of the views of their constituents upon it. The measure was a most shameful one, and one which ought not to be forced on in the manner<sup>112</sup> of discreditable, wanton discourtesy<sup>113</sup> which it had been done; and the members on his side, considering the way in which they had been treated, would enter into no compromise; they would speak when they liked, as long as they liked, and as often as they liked.--(Cheers.)<sup>114</sup>

MR. SOL. GEN. BLAKE reminded the opposition that the act settling the constitution of Canada was brought down to the House of Commons by Lord John Russell, without notice, and carried through in one sitting.<sup>115</sup>

SIR A. MACNAB again addressed the House. He complained that the important measures recommended by the Governor-General had been made to give way to this question.<sup>116</sup>

MR. PRES. EX. COUN. MERRITT appealed to the members whether during their Parliamentary experience they had ever witnessed such an unreasonable opposition as this. The Ministry when in opposition had never--even when parties were so nearly divided--offered any factious opposition.<sup>117</sup>

MR. AT. GEN. LAFONTAINE.--Ce n'est pas seulement le débat sur cette question mais encore les débats qui ont eu lieu sur l'adresse, et qui ont durés trois jours, sans qu'il y ait eu un seul amendement de proposé par l'opposition qui me persuade de la mauvaise foi de cette opposition. Les débats sur l'affaire Vansittart ont été marqués au même coin; et je dois déclarer que mon opinion est que sur chaque question qui se



présentera devant cette Chambre les mêmes débats, la même opposition factieuse et irraisonnable auront lieu de la part des hons. membres de l'autre côté de la Chambre, par cela seul qu'ils se trouvent en minorité. C'est une conviction que j'entretiens. Si j'ai tort, c'est aux hons. membres, en changeant de tactique, de le faire voir, de me détromper. Nous sommes forcés à nous tenir sur nos bancs, afin de ne pas prolonger indéfiniment les débats.

On s'est plaint de ce que cette question n'avait pas été expliquée. Nous attendions pour cela le comité général; mais l'hon. membre pour Toronto s'est immédiatement lancé dans un débat chaleureux. Au lieu s'attendre des explications, les membres de l'opposition, se sont hâtés d'en appeler aux passions des habitants du Haut-Canada. C'est ainsi que le débat a été conduit par ceux qui se plaignent aujourd'hui.

On a expliqué le but de cette mesure et l'on n'a pas cru devoir répondre. Ce qui blesse les membres de l'opposition, c'est qu'ils ne peuvent pas refuter ce qui a été dit pour prouver que cette mesure n'est que la continuation de la leur.

L'hon. membre pour Mississquoi nous a dit que la mesure du ministère précédent restreignait l'indemnité à une certaine classe d'individus, que j'appelle classe privilégiée et qu'il appelle classe loyale par excellence. Eh! bien, s'il est vrai, comme on l'a dit, qu'il n'y a pas de contradiction dans la conduite de membres de l'opposition, et que les résolutions de février devaient s'appliquer qu'à cette classe d'individus, pourquoi les instructions données dans le même temps? Comment se fait-il que l'administration du jour a-t-elle pu dire, si elle entretenait cette pensée d'exclusion, comment a-t-elle pu dire à ces commissaires: vous aurez soin de vous enquérir, s'il n'y a pas de verdict de rendus contre ceux qui feront des applications. Quelle est la conséquence de ceci? c'est que tous ceux contre qui il n'y a pas eu de sentence de rendu doivent être secourus. Les hon. membres ne peuvent pas sortir de là. En disant que cette mesure n'est que la continuation de la leur, je n'ai pas dit qu'ils n'étaient pas sincères en la proposant, mais je dis qu'aujourd'hui ils se mettent en contradiction avec eux-mêmes.

Quelques membres, prétendant que mes résolutions ne sont pas claires, demandent qu'est-ce qu'on entend par justes pertes? Le mot juste, on doit facilement en comprendre le sens d'après l'emploi qui en a été fait par ceux qui nous on précédé. Il me semble qu'on aurait toutefois dû faire cette question aux membres de la dernière administration. Si les hons. membres avaient quelques doutes touchant le signification de ce mot, ils n'avaient qu'à se tourner vers leurs amis et leur dire: dites-nous donc ce que vous entendiez par de justes pertes? Ils devaient comprendre de le sens de leurs propres paroles.

J'ai demandé aux hons. membres de me montrer dans mes résolutions un seul mot en contradiction avec leurs propres écrits, avec l'adresse de 1845, et ils n'ont pas pu répondre à cette question. Je regarde comme pertes justes celles qu'on a souffert sans condamnation des tribunaux, tant que les sentences de ces tribunaux n'auront pas été renversées, je ne crois pas qu'on puisse demander au gouvernement de les indemniser. Je ne crois pas que ceux qui ont pu prendre part à un combat pendant les troubles politiques et qui ont eu leurs propriétés détruites aient droit à une indemnité.

Il a été dit même que les personnes innocentes donc les propriétés ont été détruites à St.-Denis n'avaient pas droit à une indemnité. Ceux

qui soutiennent cela, expriment une opinion que le conseil spécial avait repoussée. Il est bien connu qu'à St.-Charles les insurgés s'étaient emparé de la propriété de M. Debartzeli qui n'avait pas pris part à l'insurrection et qui a reçu en conséquence une indemnité du conseil spécial. Madame St. Germain qui se trouvait dans le même cas a aussi reçu une indemnité pour la destruction d'une de ses propriétés. Je cite ces exemples pour refuter le principe que les personnes innocentes qui ont souffertes pendant les troubles ne doivent pas avoir droit à une indemnité

Je n'ai pas été peu surpris d'entendre l'hon. membre pour Sherbrooke nous dire qu'il ne devait y avoir aucune indemnité pour les églises de St.-Benoit et de St.-Eustache. Aucun membre, disait-il, ne pouvait consacrer un pareil principe. Il est malheureux qu'il ne fut pas membre du dernier parlement. Il aurait vu que pour l'église de St.-Eustache un rapport d'un comité avait été pris en considération dans un comité général de toute la Chambre et unanimement approuvé. Ce rapport déclarait pourtant en termes formels qu'il fallait accorder une indemnité à la fabrique de St.-Eustache; et il en a été de même de l'église de St.-Benoit.

Mais l'hon. membre dit que quand à ces églises les habitants en auraient du chasser les insurgés. Mais à qui appartiennent donc ces églises, si non à un être moral qui lui ne peut pas commettre un crime. Pourquoi donc l'hon. membre ne veut-il pas admettre avec le premier parlement qu'il faut donner une indemnité pour la destruction de ces églises. Le secret de toute l'opposition qu'on nous fait en ce moment, c'est l'exclusion que veut l'hon. membre pour Sherbrooke.

On a dit de cette question que nous la passions, que nous forcions les membre du Haut-Canada de la voter à la hâte, dans la crainte que les habitants de la province supérieure n'exposassent leurs sièges. Mais c'est là une tactique parlementaire bien connue. Et quand à la crainte de perdre nos places à laquelle on a fait allusion tout ce que je puis dire, c'est qu'on sait que je n'y tiens pas plus qu'à d'autres honneurs, et que quand il s'agira de faire mon devoir, je le ferai, quelque puisse en être pour moi la conséquence.

L'hon. membre pour Sherbrooke parle de majorité servile et obéissante; tout ce que je puis dire, c'est qu'il devrait reconnaître chez nous la même indépendance au moins que celle dont il se vante, et qu'il se réserve à lui-même.

L'hon. membre pour le comté de St.-Maurice nous fait un reproche d'acquiescer à l'hon. membre pour le comté de Norfolk, mais je lui dirai que si nous le faisons, c'est que les sentences des cours martiales prononcées contre les personnes mentionnées dans cet amendement n'ont pas encore été révoquées et qu'il ne nous appartient pas de nous former en cours d'appel pour révoquer les sentences de ces cours. Plusieurs essais ont été faits pour faire classer ces sentences. On s'est à cet effet adressé à la Cour du Banc de la Reine, mais elle n'a pas voulu intervenir avec les jugements de cette cour. J'ai moi-même fait application à cette fin. Depuis ce temps, la question a de nouveau été soulevée, il n'y a que deux ou trois ans; la cour se prononça en faveur de la légalité des cours martiales, quoiqu'il soit dit qu'on ait décidé en l'absence du juge Vallières. Aujourd'hui on peut mettre cette légalité en question, mais je dois dire qu'il y a sur le banc des



personnes qui regardent les jugements de cette cour comme bons. Si l'on portait cette question en Angleterre, on y aurait un jugement impartial et peut-être que la cour martiale serait condamnée comme illégale. Mais il n'en est pas moins vrai que jusqu'à présent les procédés de cette cour martiale sont un fait que l'on ne peut pas nier, et contre lesquels il ne nous appartient pas de revenir, quoique dans mon opinion particulière elles étaient illégales.<sup>118</sup>

MR. BADGLEY spoke in reply to Mr. LaFontaine<sup>119</sup>.

MR. PAPINEAU ... spoke at some length.<sup>120</sup>

COL. GUGY ... spoke until about 7 o'clock, A. M.<sup>121</sup>.

The House presented a most singular appearance, hon. members slept soundly in every direction, in a variety of picturesque attitudes; the steps of the Speaker's Chair provided sleeping accommodations for several; the Chairman and Reporters dozed, and the few who remained in the strangers gallery stretched themselves on the benches, and slept for very weariness. But still the debate dragged on its slow and dismal length. Some members slept with their feet on their desks; others stretched upon two arm chairs, whilst numbers congregated behind the Speaker's Chair.<sup>122</sup>

At half-past seven o'clock, when Mr. Guky resumed his seat, the resolution before the House, that the Committee do rise and report progress, was negatived on a division.<sup>123</sup>

MR. CAYLEY immediately rose and again moved that the Committee do rise and report progress.<sup>124</sup>

COL. GUGY again addressed the House.<sup>125</sup>

((He)) was followed by MR. MEYERS in another rambling speech.<sup>126</sup>

The motion was negatived on division, the yeas going to the right, and the nays to the left.<sup>127</sup>

MR. MEYERS again rose to address the Committee.<sup>128</sup>

MR. SOL. GEN. DRUMMOND said the House ought to have some respect for itself if the hon. gentleman had more, and adopt some means to put down buffoonery. They were not sent there to expose themselves to the contempt and ridicule of their constituents.<sup>129</sup>

MR. MEYERS again moved that the Committee do now rise.<sup>130</sup>

MR. MCCONNELL thought time and money enough had been spent on this debate and the House had made itself ridiculous enough; he opposed the motion.<sup>131</sup>

The resolution was negatived.<sup>132</sup>

SIR A. MACNAB reiterated his protest against the hurrying through of the measure. He regretted the proceedings which had taken place, but the opposition had been driven to it. Neither of the hon. gentlemen who were suffered to lead the House had said one word in explanation of the Resolutions, and they were not prepared to vote on them. He moved that the Committee now rise.<sup>133</sup>

The motion was also negatived by a very large majority.<sup>134</sup>

MR. J. A. MACDONALD (Kingston) addressed the House, and read for the edification of members some forty pages of McKenzie's letter. He moved that the Committee do now rise, which was negatived, renewed by Mr. Meyers, and negatived again.<sup>135</sup>

MR. CAYLEY then moved, without making any observations, the amendments of which he had given notice.<sup>136</sup>

The Committee divided, and they were negatived by a very large majority.<sup>137</sup>

The first four of Mr. LaFontaine's resolutions were then severally put, and carried.<sup>138</sup>

MR. CAYLEY moved an amendment on the fifth resolution, which was also negatived on division.<sup>139</sup>

MR. H. BOULTON next moved the amendment which he had printed and distributed.<sup>140</sup>

SIR A. MACNAB objected to the amendment being put as no notice had been given, and moved that the Chairman do leave the Chair.<sup>141</sup>

The Chairman having left the Chair, the Speaker resumed his place, and after some discussion, decided the point of order, that the amendment could be put.<sup>142</sup>

The Committee accordingly resumed.<sup>143</sup>

MR. ROBINSON moved, seconded by SIR A. MACNAB, as an amendment, "that the resolutions be amended by adding after the word 'Bermuda', the following: or any persons implicated in the rebellion, or who refused, when called upon, to aid in suppressing it."<sup>144</sup>

MR. INSP. GEN. HINCKS asked how was it possible for any Government or Commissioners to find out who refused, when called upon to aid in suppressing the rebellion eleven years ago? He asked, was it practicable?<sup>145</sup>

Several hon. members contended that it was quite practicable.<sup>146</sup>

MR. SOL. GEN. DRUMMOND concurred in the principle that the man who engaged in the rebellion must bear the consequence, but at the same time, he called upon hon. gentlemen to pause before adopting such a resolution as this which might be made an engine for the grossest injustice. It would be exposing a man of the highest character, never implicated in the rebellion to be tried before these Commissioners, and sent forth to the world branded as having taken part in the rebellion.<sup>147</sup>

After some further discussion the amendment was lost by a large majority.<sup>148</sup>

DR. NELSON moved to amend the resolution by adding after the word "Bermuda, or any person who aided, assisted or abetted the rebellion."<sup>149</sup>

Also negatived.<sup>150</sup>

MR. BOULTON's amendment was then carried and the original motion as



amended was adopted.<sup>151</sup>

On the 6th Resolution being put, MR. CAYLEY moved an amendment which was rejected.<sup>152</sup>

MR. AT. GEN. LAFONTAINE moved that the blank in the resolution be filled up with the words £100,000, which was likewise carried together with last resolution.<sup>153</sup>

(100)

*And the House having continued to sit till after twelve of the clock, on Friday morning;*

FRIDAY, 23 FEBRUARY 1849.

*Mr. Speaker resumed the Chair;*

*And Mr. Smith, of Frontenac, reported, That the Committee had come to several Resolutions.*

*Ordered, That the Report be received on Tuesday next.*

*On motion of Mr. Jobin, seconded by the Honorable Mr. Attorney General Baldwin,*

*Stormont  
Election.*

*Ordered, That the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Stormont, have leave to adjourn until Tuesday next, at ten o'clock, A. M.*

*Adjournment.*

*Ordered, That when this House doth adjourn, it will adjourn until Monday next.*

*Orders deferred.*

*Ordered, That the remaining Orders of the day be postponed until Monday next.*

*Ordered, That the Orders fixed for this day be postponed until Monday next.*

*Then, on motion of Mr. Laurin, seconded by Mr. Wilson,*

*At eleven of the clock, in the forenoon, the House adjourned till Monday next.*

APPENDIX: 22 FEBRUARY 1849.

((QUESTION AND ANSWER RE: BRIDGE OVER RIVER TRENT.))

MR. H. SMITH of Frontenac ((enquired)) as to whether it is intended to recommend an appropriation for constructing the Bridge and Drawbridge across the River Trent, at Crook's Rapids.<sup>154</sup>

MR. ASST. COM. P. W. CAMERON stated that the appropriation made was expended, and the Government had no funds to make any further appropriation.<sup>155</sup>

((QUESTION AND ANSWER RE: JUDICIAL REFORM.))

MR. H. SMITH ((made an inquiry.))<sup>156</sup>

MR. AT. GEN. BALDWIN in answer ... stated that Provisions for regulating the office of the Clerk of the Crown and Pleas at Toronto, and the salary of that functionary, and of his subordinates in office, would be embraced in a measure for judicial reform to be brought forward by the Government.<sup>157</sup>

((QUESTION AND ANSWER RE: ROAD BETWEEN L'ORIGINAL AND BYTOWN.))

MR. EGAN ((made an inquiry.))<sup>158</sup>

In answer ... MR. ASST. COM. P. W. CAMERON stated, that there was £2600 to be expended on that part of the Bytown and L'Original road, lying between Greens Creek and Cumberland Ferry. But there was no order in Council to authorize for the payment of it. And in answer to another inquiry, as to whether it was intended to proceed with the construction of the road from Bytown to L'Original, and to lay out the amount granted therefor. Thereupon Mr. Cameron stated it was not the intention of Government to do any thing with the said road at present.<sup>159</sup>

((QUESTION AND ANSWER RE: SHRIEVALTY OF THE HOME DISTRICT.))<sup>160</sup>

MR. J. SMITH (Durham) ((asked)) whether any complaints had been made to the Provincial Government relative to the shrievalty of the Home District, and whether any investigation is intended by the Government with that office, and the manner in which the duties thereof are discharged.<sup>161</sup>

MR. AT. GEN. BALDWIN said there had been no complaint since the present Administration came into power. Complaints had been made in the late Administration in a private and inofficial (sic) manner, and which had been disposed of by them.<sup>162</sup>

((WITHDRAWN MOTION RE: PETITION OF LONGUEUIL TURNPIKE ROAD.))<sup>163</sup>

DR. BEAUBIEN moved to refer to a committee the petition of the Longueuil Turnpike Road for exclusive right of ferry across the St. Lawrence.<sup>165</sup>

The motion was withdrawn.<sup>166</sup>



FOOTNOTES: 22 FEBRUARY 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 23 February 1849; PILOT, 23 February 1849, GLOBE, 24 February 1849, copied by PROVINCIALIST, 26 February 1849, BRITISH COLONIST, 27 February 1849, HAMILTON SPECTATOR, 28 February 1849, acknowledging PATRIOT and COLONIST as its sources, ST. CATHARINES JOURNAL, 1 March 1849, in identical accounts.
2. MONTREAL GAZETTE, 23 February 1849.
3. IBID.
4. IBID.
5. PILOT, 23 February 1849.
6. MONTREAL GAZETTE, 23 February 1849.
7. PILOT, 23 February 1849.
8. The debate on this matter was reported by: MONTREAL GAZETTE, 23 February 1849, and HAMILTON SPECTATOR, 3 March 1849, in identical accounts; MONTREAL GAZETTE, 26 February 1849, and HAMILTON SPECTATOR, 7 March 1849, in identical accounts; PILOT, 23, 26 February 1849, BRITISH WHIG, 1 March 1849, GLOBE, 3 March 1849, BROCKVILLE RECORDER, 8 March 1849, and PACKET, 10 March 1849, in identical accounts, except that BROCKVILLE RECORDER and PACKET only reported Nelson's speech, and GLOBE's and BRITISH WHIG's accounts were shorter; L'AVENIR, 24 MARCH 1849, reported only LaFontaine's speech; LA MINERVE, 26 February 1849, and PRINCE EDWARD GAZETTE, 9 March 1849, and LA MINERVE, 22 February 1849, noted the debate. Commentaries may be found in PILOT, 26 February 1849, MONTREAL GAZETTE, 23, 26 February 1849, and BRITISH COLONIST, 2 March 1849, which acknowledged MONTREAL COURIER, 24 February 1849, as its source. The HAMILTON SPECTATOR, will be used instead of the difficult to read MONTREAL GAZETTE. The House sat till 11 o'clock A. M. The PILOT, 23 February 1849, decided to curtail its reports. "As we have already given one debate on this question, we shall only report the speeches of those gentlemen who have not before spoken their part in the discussion."
9. HAMILTON SPECTATOR, 3 March 1849. According to PILOT, 23 February 1849, Gagy spoke for more than 3 hours.
10. HAMILTON SPECTATOR, 3 March 1849.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.

25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. PILOT, 23 February 1849.
31. HAMILTON SPECTATOR, 3 March 1849.
32. PILOT, 23 February 1849.
33. HAMILTON SPECTATOR, 3 March 1849.
34. PILOT, 23 February 1849.
35. HAMILTON SPECTATOR, 3 March 1849.
36. PILOT, 23 February 1849.
37. HAMILTON SPECTATOR, 3 March 1849.
38. PILOT, 23 February 1849.
39. HAMILTON SPECTATOR, 3 March 1849.
40. IBID., which calls it a "bixarrerie" rather than "pis aller."
41. PILOT, 23 February 1849.
42. HAMILTON SPECTATOR, 7 March 1849.
43. PILOT, 23 February 1849.
44. HAMILTON SPECTATOR, 7 March 1849.
45. PILOT, 23 February 1849.
46. HAMILTON SPECTATOR, 7 March 1849.
47. IBID.
48. PILOT, 23 February 1849.
49. HAMILTON SPECTATOR, 7 March 1849.
50. PILOT, 23 February 1849.
51. HAMILTON SPECTATOR, 7 March 1849.
52. PILOT, 23 February 1849.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. HAMILTON SPECTATOR, 7 March 1849.
59. PILOT, 23 February 1849.
60. IBID.
61. HAMILTON SPECTATOR, 7 March 1849.
62. PILOT, 23 February 1849.
63. HAMILTON SPECTATOR, 7 March 1849.
64. PILOT, 23 February 1849.
65. HAMILTON SPECTATOR, 7 March 1849.
66. PILOT, 23 February 1849.
67. HAMILTON SPECTATOR, 7 March 1849.
68. PILOT, 23 February 1849.
69. IBID.
70. IBID.
71. LA MINERVE, 26 February 1849.
72. PACKET, 10 March 1849.
73. LA MINERVE, 26 February 1849.
74. HAMILTON SPECTATOR, 7 March 1849.
75. IBID.



76. IBID.
77. IBID.
78. PILOT, 26 February 1849.
79. IBID.
80. HAMILTON SPECTATOR, 7 March 1849.
81. PILOT, 26 February 1849.
82. HAMILTON SPECTATOR, 7 March 1849.
83. PILOT, 26 February 1849.
84. HAMILTON SPECTATOR, 7 March 1849.
85. IBID.
86. PILOT, 26 February 1849.
87. HAMILTON SPECTATOR, 7 March 1849.
88. PILOT, 26 February 1849.
89. IBID.
90. IBID.
91. IBID.
92. HAMILTON SPECTATOR, 7 March 1849.
93. PILOT, 26 February 1849.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. HAMILTON SPECTATOR, 7 March 1849.
99. PILOT, 26 February 1849.
100. IBID.
101. HAMILTON SPECTATOR, 7 March 1849.
102. PILOT, 26 February 1849.
103. HAMILTON SPECTATOR, 7 March 1849.
104. PILOT, 26 February 1849.
105. HAMILTON SPECTATOR, 7 March 1849.
106. PILOT, 26 February 1849.
107. HAMILTON SPECTATOR, 7 March 1849.
108. PILOT, 26 February 1849.
109. IBID.
110. HAMILTON SPECTATOR, 7 March 1849.
111. PILOT, 26 February 1849.
112. HAMILTON SPECTATOR, 7 March 1849.
113. PILOT, 26 February 1849.
114. HAMILTON SPECTATOR, 7 March 1849.
115. PILOT, 26 February 1849.
116. IBID.
117. IBID.
118. L'AVENIR, 7 March 1849.
119. HAMILTON SPECTATOR, 7 March 1849.
120. IBID.
121. IBID.
122. PILOT, 26 February 1849.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
129. IBID.

130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. IBID.
140. IBID.
141. IBID.
142. IBID.
143. IBID.
144. IBID.
145. IBID.
146. IBID.
147. IBID.
148. IBID.
149. IBID.
150. IBID.
151. IBID.
152. IBID.
153. IBID.
154. MONTREAL GAZETTE, 23 February 1849.
155. IBID.
156. IBID.
157. IBID.
158. IBID.
159. IBID.
160. The debate on this matter was reported by: PILOT, 23 February 1849,  
and GLOBE, 3 March 1849, in identical accounts.
161. PILOT, 23 February 1849.
162. IBID.
163. The debate on this matter was reported by: PILOT, 23 February 1849,  
and GLOBE, 3 March 1849, in identical accounts.
164. PILOT, 23 February 1849.
165. IBID.
166. IBID.



## SECTION I: PROPER NAMES

### A

Armstrong, David Morrison, 210, 496-497, 579, 620, 739, 786.

### B

Badgley, William, 10, 12, 27, 35, 48, 49, 114, 177-179, 234, 303, 342, 387, 402, 404, 405, 414, 500, 550-551, 551, 558, 635-636, 655, 695, 740, 770, 788, 789, 791, 844-845, 905, 906, 910.

Baldwin, Robert, 7, 8, 10, 11, 12, 28, 28-29, 30, 31, 33, 34, 50, 57, 58, 58-59, 67, 95-96, 97, 97-98, 101, 102, 115, 167, 205, 237, 240, 255, 256, 259, 262, 269, 281, 284, 285, 291-292, 311, 314, 318, 348, 349, 362, 364, 365-366, 366, 369, 387, 396, 401-402, 403, 404, 406, 428, 429, 438, 442-443, 473, 485, 485-486, 494, 533, 540, 549-550, 551, 552-553, 553, 558, 572, 618, 620, 628-630, 630-631, 631-633, 633-635, 638, 642, 648, 656, 682, 698-699, 702, 706, 731, 739, 740, 741, 763, 770, 776, 781, 787, 787-788, 788, 789, 815, 820, 859, 862, 870, 882, 906, 907, 912, 913.

Beaubien, Pierre, 164, 276, 415, 611, 695, 870, 913.

Bell, Robert, 164, 298, 304, 415, 611, 870.

Blake, William Hume, 256, 257, 264, 292, 293, 336-339, 341, 342, 491, 539, 597-599, 600-602, 602, 603, 605-606, 618-619, 672, 717, 717-724, 724-726, 726-728, 728-730, 730, 730-731, 731, 742-744, 744, 745-746, 746, 746-751, 751-753, 776, 841, 843, 849-850, 850, 853, 907.

Boulton, Henry John, 7, 28, 29, 30, 113, 115?, 115, 147-148, 176, 241, 256?, 261?, 264, 270, 292?, 298, 298?, 304?, 317?, 328-330, 360, 395?, 396?, 397?, 400-401, 402, 403-404, 404, 419?, 425, 425?, 432?, 440-441, 443-444, 444, 459, 459-460, 492?, 512, 520?, 521, 522?, 539?, 539-540, 540?, 572, 593, 595, 611?, 617?, 618?, 621?, 624, 625, 640?, 646?, 651-652, 653, 699?, 703?, 704?, 705?, 759, 776?, 781?, 783?, 790, 875?, 878?, 888-891, 891-892, 892, 893-894, 894-896, 911.

Boulton, William Henry, 99, 115?, 256?, 261?, 292?, 298?, 304?, 317?, 360, 395?, 396?, 397?, 419?, 425?, 432?, 492?, 520?, 522?, 539?, 540?, 611?, 617?, 618?, 621?, 640?, 646?, 699?, 703?, 704?, 705?, 776?, 781?, 783?, 875?, 878?.

Bouthillier, Thomas, 111, 303, 309, 311, 363, 383, 845.

Brooks, Samuel, 116, 303, 415, 447-448, 512-513, 557, 611, 646, 655, 695, 738, 776, 879.

Burritt, Read, 486, 619, 646.

### C

Cameron, John Hillyard, 206?, 460-461?.

Cameron, Malcolm, 11, 27, 29, 41, 111, 115, 206?, 251, 276, 303, 360, 423, 460-461?, 489, 511, 526, 533, 580, 612, 618, 646, 657, 738, 781, 788, 836, 913.

Cartier, George Etienne, 504-507, 579, 627-628, 695, 695-696, 740.

Cauchon, Joseph Edouard, 27, 42, 52-53, 89, 98, 122, 130, 143, 151, 164, 181, 181-182, 182-184, 184-195, 195, 196, 197, 289, 303, 313, 525, 533, 615, 617, 619, 646, 671, 699, 770, 777, 781, 815.

Cayley, William, 31, 35, 57, 100, 151-154, 154-155, 284-285, 289, 322, 325, 340-341, 341, 341-342, 342, 345-346, 432, 467, 545, 545-546, 556, 636, 705, 706, 753-756, 766, 910, 911, 912.

Chabot, Jean, 387-388, 419, 432, 486, 494, 611, 699, 704, 738, 740, 741, 786, 879, 880, 881.

Chauveau, Pierre Joseph Olivier, 252, 262, 276, 303, 315, 339-340, 350, 362, 382, 387, 419, 420-423, 467, 472, 486, 498-499, 509, 510, 579, 611, 620, 653, 699, 777, 784, 879, 882, 905.

Christie, Robert, 12-15, 28, 53, 93, 113, 114, 173-174, 174-176, 195, 268, 276, 304, 314, 349, 360, 365, 396, 409, 418, 526, 539, 540, 541, 541-542, 542, 545, 546, 551, 552, 556, 579, 589, 618, 619, 620, 623-624, 624, 642, 646, 654, 695, 740, 751, 784-785, 790, 790-791, 881, 904.

Crysler, John Pliny.

Cuthbert, William.

## D

Davignon, Pierre, 11, 42, 111, 137, 268-269, 270, 311, 349, 383, 415, 428, 429, 472, 496, 498, 539, 651, 695, 818, 833-834, 886.

DeWitt, Jacob, 28, 41, 111, 305, 343-344, 358, 359, 360, 387, 426, 432, 491, 492, 539, 647, 699, 703, 738, 905.

Dickson, Walter Hamilton, 313, 491, 617, 639, 785, 882, 906.

Drummond, Lewis Thomas, 10, 11, 35, 55, 55-56, 58, 165, 305, 316, 360, 389, 468-469, 605, 731, 738, 777, 841, 910, 911.

Duchesnay, Antoine Juchereau, 27, 41, 195, 486, 579, 695.

Dumas, Norbert, 42, 57, 59-61, 61-64, 165, 262, 276, 281, 387, 394, 539, 647, 648.

## E

Egan, John, 41, 57, 111, 252, 276, 281, 303, 323-325, 325, 332, 333, 358, 387, 458-459, 579, 653, 913.

## F

Fergusson, Adam Johnston, 483, 818.

Flint, Billa, 360, 387, 403, 409, 466-467, 467, 486, 491, 655, 699, 738, 780, 818, 870, 875, 882.

Fortier, Thomas, 27, 41, 95, 99, 114, 252, 276, 303, 394, 432, 436, 486, 558, 646, 739, 777.

Fournier, Charles François, 41, 100, 267, 298, 304, 436, 456, 491, 513, 876, 877, 881.

Fourquin dit Léveillé, Michel, 111, 415, 818.

## G

Galt, Alexander Tilloch.



Gugy, Bartholomew Conrad Augustus, 31-32, 36, 49, 52, 95, 99, 113, 114, 116, 142, 148-151, 151, 195-196, 196-197, 197-198, 257, 259, 305, 314, 330-331, 331-332, 332, 333, 336, 360, 404-405, 493-494, 496, 513, 541, 556, 579, 584-585, 585, 585-586, 586, 602, 602-603, 603, 611, 620, 646, 654-655, 661-662, 662-663, 663, 664-665, 699, 781, 789, 792, 839, 859-862, 870, 882, 882-883, 883, 884, 884-885, 885, 885-886, 886-887, 887, 910.

Guillet, Louis, 164, 879.

## H

Hall, James, 164, 276, 297-298, 651, 655, 685, 686, 699.

Hincks, Francis, 29, 54, 100, 112, 138, 139, 158, 165, 198-202, 202-203, 204, 205, 207, 207-208, 208, 215, 215-233, 257, 258, 261, 265, 266, 267, 268, 269, 270, 281, 281-283, 283, 286, 287, 287-288, 289, 290-291, 291, 292, 293, 293-294, 294-295, 295, 304, 312, 313, 315, 316, 318, 318-320, 331, 333, 339, 343, 346, 362, 382, 402, 406, 414, 420, 423, 424, 426-427, 427, 438, 456, 469-472, 473, 486, 494, 508, 508-509, 509, 510, 520, 521, 522, 525, 541, 542, 542-545, 545, 546, 546-547, 547, 551, 555, 555-556, 561, 564-566, 566, 566-567, 567, 567-569, 569-571, 571, 572, 581-584, 585, 586, 594, 603, 605, 607, 651, 652, 654, 659, 659-660, 660, 660-661, 662, 663, 663-664, 674, 676, 683, 685, 699, 706, 731, 739, 741-742, 758, 781, 788, 789, 790, 846, 852, 859, 878, 906, 907, 911.

Holmes, Benjamin, 35, 55, 99, 165, 169, 241, 252, 260, 287, 304, 310, 317, 325-327, 328, 389, 409, 432, 437, 461-462, 465-466, 473, 491, 526, 579, 580, 611, 622-623, 673, 698, 738, 776, 818, 837-838, 838-839, 839, 839-840, 840, 854, 870, 883, 884.

## J

Jobin, André, 11, 27, 42, 99, 111, 251, 253, 303, 309, 358, 363, 438, 486, 540, 619, 620, 739, 821, 875, 912.

Johnson, Thomas Hall, 251, 261, 276, 280, 358, 394, 705, 741, 777, 878.

## L

LaFontaine, Louis Hippolyte, 11, 34, 36, 51-52, 54, 55, 98, 120-122, 122, 123-126, 126-129, 129-130, 130-132, 132-135, 195, 209, 270, 303, 312, 314, 316, 349, 362, 382, 383, 387, 404, 425, 428, 429, 437, 439, 439-440, 444, 473, 551, 621, 656, 685, 741, 789-790, 818, 819, 822-832, 859, 862, 877, 907-910, 912.

Laterrière, Marc Pascal de Sales, 93, 93-94, 111, 169, 177, 304, 349, 383, 415, 456, 473, 486, 493-494, 494, 559, 654, 685, 846-848.

Laurin, Joseph, 164, 180-181, 181, 252, 289, 298, 303, 317, 349, 350, 358, 382, 420, 472, 496, 770, 786, 912.

Lemieux, François, 304-305, 358, 387, 420, 533, 651, 777, 784, 786, 880, 881.

Lyon, George Byron, 540, 580, 618, 619, 627, 652, 704, 777, 870.

## M

- Macdonald, John Alexander, 54?, 111?, 157?, 158, 252?, 255?, 255, 257, 257?, 257-258, 258-259, 260, 296, 305?, 395?, 415?, 493?, 533?, 569, 579?, 581?, 586?, 604-605, 605, 606, 622, 640?, 650?, 699?, 706?, 746, 770?, 776?, 858-859?, 907, 911.
- Macdonald, John Sandfield, 11, 28, 32, 54?, 100, 111?, 112, 113, 157?, 241, 252?, 255?, 257?, 267, 268, 296, 297, 305?, 310, 317, 358, 395?, 399, 399-400, 401, 404, 405, 414, 415?, 423, 493?, 533?, 579?, 581?, 586?, 640?, 650?, 655, 699?, 706?, 770?, 776?, 776, 791, 858-859?, 906.
- MacNab, Allan Napier, 28, 30, 31, 32, 33, 35, 41, 47, 50, 53-54, 54, 56, 56-57, 59, 100, 112, 113, 138, 139, 142, 157, 158, 164, 169, 202, 203-204, 204, 205, 205-206, 206, 207, 208, 208-209, 209, 210, 241, 256, 257, 262, 263-264, 264-265, 265, 266, 267, 269, 283, 284, 286, 286-287, 287, 289, 290, 291, 292, 292-293, 295, 296, 297, 370-371, 491, 494, 519, 520, 521, 522, 533, 545, 547, 581, 592-593, 593, 593-594, 595, 599, 612, 617, 625, 630, 631, 636-637, 638, 640, 652, 653, 656, 660, 671, 671-672, 672, 672-673, 673, 673-674, 674-676, 676, 676-677, 677, 677-678, 678, 678-679, 679-680, 680, 680-681, 681-682, 682, 683, 684, 710, 711, 712, 714, 730, 731, 738, 739, 744, 744-745, 746, 758, 759, 759-761, 762, 762-763, 763-765, 776, 781, 787, 788, 790, 791, 832, 839, 850, 858, 858-859, 873, 873-874, 892, 892-893, 906, 907, 910, 911.
- Malloch, Edward, 27, 387, 397, 414, 472, 485, 491, 695, 784-785.
- Marquis, Pierre Canac dit, 57, 251, 358, 533, 818.
- McConnell, John, 137-138, 304, 342-343, 402, 486, 497, 557, 627, 776-777, 870, 906, 910.
- McFarland, Duncan, 28, 41, 115, 240, 251, 313, 314, 365, 491, 533, 611, 699, 704, 870.
- McLean, Alexander, 35, 41, 169, 267, 389, 611, 695.
- Merritt, William Hamilton, 32, 35, 252, 269, 358, 363, 388, 404, 445-447, 447, 467, 468, 496, 514, 678, 765-766, 766-769, 777, 819, 820, 870, 907.
- Méthot, François Xavier, 27, 164, 252, 362, 363, 415, 432, 486, 695, 706, 738, 740, 879.
- Meyers, Adam Henry, 776, 835-836, 906, 910.
- Mongenais, Jean Baptiste, 298, 706.
- Morin, Augustin Norbert, 1-7, 8-10, 18-27, 30, 31, 33, 47, 57, 93, 141, 143, 151, 195, 197, 251, 265, 266, 267, 276, 284, 359, 366, 409, 414, 417, 432, 483, 489, 491, 519, 525, 571, 579, 599, 606, 611, 624, 625, 641, 646, 671, 673, 683, 684, 695, 716, 717, 731, 732, 738, 746, 759, 770, 776, 818, 858, 870.
- Morrison, Joseph Curran, 41, 304, 315, 317, 380, 387, 395, 398, 491, 672, 738, 821.

## N

- Nelson, Wolfred, 141, 141-142, 142, 143, 143-147, 467, 646, 663, 665-671, 671, 672, 678, 841, 883, 885, 896-904, 905, 911.
- Notman, William, 11, 27, 30, 32-33, 33, 47, 48, 102, 114, 176, 252, 264, 276, 296, 297, 304, 358, 369, 369-370, 371, 380, 381, 388, 415, 432, 468, 484, 486, 491, 514-515, 515, 515-519, 519, 520, 522, 537, 596,



621, 640, 740, 777, 879.

P

Papineau, Louis Joseph, 51, 58, 70-89, 89-93, 93, 122, 126, 132, 142, 143, 155-157, 165, 173-174, 184, 210-215, 215, 318, 396, 397, 439, 449-455, 500-504, 551, 603, 739-740, 793-815, 887, 910.  
 Polette, Antoine, 41, 164, 276, 363, 472, 495, 533, 558, 777, 818, 879.  
 Price, James Hervey, 27, 30, 33, 100, 176, 266, 267, 305, 310, 318, 363, 432, 489, 491, 537, 557, 586-588, 588, 588-589, 589, 589-590, 590-591, 597, 682, 683, 684, 702, 707-708, 709, 710, 710-711, 711-712, 712-714, 714, 714-716, 716, 716-717, 738, 741, 759, 762, 770, 785, 856, 879.  
 Prince, John, 32, 33, 35, 50-51, 66-67, 67-69, 70, 96-97, 97, 100, 101, 102, 111, 115, 129, 139, 139-140, 142, 176, 255, 256, 257, 259-260, 349-350, 360, 361, 365, 367-369, 371, 380, 423, 432, 467, 468, 473, 485, 491, 510, 519, 520, 522-524, 526, 540-541, 558, 559-561, 561-564, 566, 567, 572, 625, 626, 656-657, 673, 781, 789, 850-852, 852-853, 853, 853-854, 854, 855-856, 856-857, 905, 906.

R

Richards, William Buell, 33, 48, 112, 165, 167, 169, 233, 256, 268, 281, 317, 364, 399, 418, 420, 486, 493, 510-511, 533, 603-604, 604, 636.  
 Robinson, William Benjamin, 50, 262, 284, 288, 389, 469, 497, 607, 698, 704, 709, 717, 739, 740, 756-758, 758, 758-759, 759, 788, 790, 857, 911.

S

Sauvageau, Tancred, 58, 111, 251, 486, 525, 559, 646, 647, 777.  
 Scott, John, 252, 261, 280, 304, 333-336, 336, 349, 382?, 398, 399, 402, 403, 405, 425-426, 426, 427, 469, 520, 638, 640, 655, 699, 705, 857, 858, 885, 887, 887-888.  
 Scott, William Henry, 11, 27, 98, 140-141, 251, 276, 303, 310, 360, 382?, 398, 405, 418, 437, 540, 580, 658, 699, 836, 836-837, 837, 842, 875, 905.  
 Seymour, Benjamin, 179-180, 303, 397, 408, 428, 432, 437, 845, 846, 881.  
 Sherwood, George, 42?, 53?, 56?, 56-57?, 164?, 205?, 241?, 255?, 261?, 262?, 289?, 303?, 345-346, 349?, 358?, 395, 396?, 400, 418?, 419, 425?, 485?, 491, 511, 548-549?, 558?, 590, 591, 650?, 653?, 653-654?, 759?, 842?, 843?, 906-907.  
 Sherwood, Henry, 42?, 53?, 56?, 56-57?, 97, 99, 100, 138, 139, 164?, 205?, 241?, 255?, 257, 261?, 262?, 285-286, 289?, 303?, 323, 349?, 358?, 360, 364, 395, 396?, 418?, 424, 424-425, 425?, 429, 441, 442, 485, 485?, 497-498, 508, 520, 548-549?, 553-555, 555, 557, 558, 558?, 572, 603, 626-627, 633, 648, 650?, 653?, 653-654?, 656, 657-658, 658-659, 685, 709, 714, 716, 728, 758, 759?, 840, 840-841, 841, 842?, 843?.  
 Smith, Harmanus, 41, 256?, 358, 364-365, 473?, 738, 873?.  
 Smith, Henry, 11, 98, 169, 256?, 261, 297, 298, 315, 360, 408, 424, 437, 447, 448-449, 455, 473?, 485, 513, 521-522, 540, 545, 579, 611, 657,

660, 704, 724, 776, 781, 788, 789, 862, 873?, 892, 912, 913.  
 Smith, James, 254, 270, 276, 281, 296, 360, 369, 418, 441-442, 473?, 493,  
 495, 511-512, 540, 591-592, 618, 785, 849, 873, 913.  
 Stevenson, David Barker, 164, 252, 342, 456-457, 457-458, 458, 465, 466,  
 467, 549, 611, 636, 848, 849.

## T

Taché, Etienne Paschal, 27, 111, 143, 252, 276, 358, 419, 499-500, 579,  
 611.  
 Thompson, David, 41, 115, 157, 241, 251, 254, 269, 314, 318, 344, 364-365, 365,  
 417, 418, 419, 432, 533, 646, 704, 873.

## V

Viger, Louis Michel, 94-95, 111, 135-137, 348, 389, 731.

## W

Watts, Robert Nugent, 252, 304, 339, 381, 406, 408, 424, 455, 455-456, 507-  
 508, 536, 624, 625, 625-626, 637, 638, 653, 704, 705, 739, 740, 769-  
 770, 787, 791-792, 792-793, 886.  
 Webster, James.  
 Wetenhall, John, 41, 48, 61-64, 64-66, 111, 114, 241, 252, 277, 304, 389,  
 396, 432, 463-465, 533, 537, 580, 611, 648-650, 699, 784, 818.  
 Wilson, John, 265, 291, 292, 360, 389, 398, 398-399, 400, 401, 402, 402-  
 403, 405, 423, 424, 426, 428, 437, 444, 462-463, 484, 491, 512, 520,  
 540, 579, 595-596, 597, 639, 646, 651, 652, 843-844, 873, 875, 912.















3 1761 11465183 9

